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THE HISTORY OF

THE BENCH AND BAR

OF MISSOURI.

WITH REMINISCENCES OF THE PROMINENT LAWYERS OF THE PAST, AND A RECORD OF THE LAW'S LEADERS OF THE PRESENT.

A. J. D. STEWART, EDITOR.

Containing also Personal Recollections and Articles Contributed by the Most Eminent Jurists, Able Lawyers and Learned Authorities in the State.

HON. JAMES O. BROADHEAD.—Reminiscences of Fifty-five Years of Practice.
HON. GEORGE H. SHIELDS.—Old Bar of St. Louis.
HON. ELIJAH HISE NORTON.—Bench and Bar of the "Platte Purchase."
HON. JOHN C. GAGE.—The Jackson County Bar.
JUDGE JOHN W. HENRY.—Personal Recollections.
HON. THOMAS SHACKELFORD.—Reminiscences of the Bench and Bar in Central Missouri.
JUDGE CHARLES B. McAFEE.—Riding the Circuits in Southwest Missouri.
HON. HARRY LANDER.—Land Laws of Missouri.
HON. W. O. L. JEWETT.—Early Bar of Northeast Missouri.
HON. HENRY LAMM.—The Pettis Bar.
JUDGE J. G. WOERNER.—Development of the Missouri Law of Administration.
HON. BANTON G. BOONE.—A Cause Celebre—Birch vs. Benton.
HON. SENECA N. TAYLOR.—Evolution of Corporation Law in Missouri as Affecting the Development of the State.
EX-GOV. CHARLES P. JOHNSON.—Recollections of the Criminal Practice.
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JUDGE WILLIAM C. MARSHALL.—Municipal Law in Missouri.
HON. MELVIN L. GRAY.—Recollections of Judge Roswell M. Field.
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WILLIAM P. BORLAND, Esq.—Kansas City School of Law.
HON. DANIEL S. TWITCHELL.—Well-Known Members of the Early Bar of Jackson County.
HON. JOHN C. GAGE.—Willard P. Hall—His Career and Character.

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PREFACE.

WHILE two or three excellent partial or condensed histories of Missouri have been published, the page which the commonwealth is destined to occupy in the annals of the Republic has as yet been scarcely touched by the pen of the historian. Though it may not span as many years as the story of other states or nations, its wealth of romantic, picturesque and heroic detail, the rapidity of the shifting scenes in its transformation from a wilderness to a civilized and wealthy State, together with the strong and virile characters that have crossed its stage, must make it a record of surpassing interest, when completely and worthily told. And because this field has been so little cultivated, and so little data has heretofore been gathered, the formidable character of the task of writing and compiling a history of the bench and bar—but one factor of the State's greatness—will be understood.

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In the attempt to give to posterity this the first accurate and complete history of the bench and bar of Missouri, no effort has been made to follow the conventional methods of historical narrative, or to tell the story in progressive sequence, but the author conceives the work will be none the less interesting because of this departure from the accepted method. The history of the men, events and legal customs and peculiarities of the past—"and there were giants in those days"—is incorporated in the reminiscences and interesting personal recollections of the most venerable and eminent and experienced men who grace the bench and bar of the State to-day. The various elements of jurisprudence, the numerous changes, the influences, progress and development of legislative enactment and the different departments of the law, are subjects treated by the most learned authorities in their several branches. And lastly, the contemporary record of bench and bar, as well as much past history, is to be found in the biographies of the living leaders of their profession throughout the State.

It will be noted that the matter contributed by the old pioneers of the profession, in many instances follows the same course, and treats of the same men; but the lives of these older lawyers who gave luster to the Missouri bar, and who wrought at the responsible labor of shaping the destinies of the young commonwealth in its most plastic state, are of vital interest to posterity, and therefore though the "lines narrative" may at times converge to the same subject, the question is certainly one on which too much light cannot be thrown. The estimate of each of these strong men by the men of the contemporary bar, their successors in leadership, can never be otherwise than instructive.

In the biographical department our effort has been governed by the intention to give those only who were worthy and were considered as occupying a front rank in their profession and community, a place in this work. No doubt there will be people who will differ with us as to the degree of success achieved, for ability and reputation are not absolute quantities; but while we are aware that the biographies of some men who deserve a place herein have been omitted, and that there may be a few incorporated not worthy of this selected company, it is believed that the biographical part of the work may be fairly considered a galaxy of Missouri's most talented and distinguished lawyers and judges. In the excellence of artistic illustration, in binding and material and typographical appearance, the editor feels satisfied that the work will compare with the best issue of any press.

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PART I—EASTERN DIVISION.

JURISDICTION OF THE ST. LOUIS COURT OF APPEALS.

REMINISCENCES OF FIFTY-FIVE YEARS OF PRACTICE.

BY JAMES O. BROADHEAD.

THE fabric of civilized society is supported by the pillars of the law; they cannot stand without the observance of certain rules of conduct, which spring from a sense of moral obligation, and a regard for the rights and happiness of each member of the social compact. We call it a compact, because as long as a given people acquiesces in, or endorses a form of government which controls the affairs of a society of men, there is an implied agreement to maintain it. These rules should be founded on the principles of eternal justice as dictated by the consciences of men, chastened and strengthened by the precepts of the Divine law. This has been the struggle of the ages, and although it may be impossible to attain perfection in this respect, the principles remain unchanged and ought to be appealed to whenever there is an opportunity to enforce them.

There is undoubtedly implanted in every human bosom a consciousness of what is right—a sense of natural justice, which may be and too often is overpowered by the pride, selfishness, ambition or brutal passions of our nature, but it is never wholly eradicated; strictly speaking, a rule of the moral law, or a sense of natural justice, is not law as controlling the actions of men in a community, nor does it become law until the sovereign law making power of the State has ordained it; but it is the source of all just laws, whether they emanate from custom, from statutory enactment or judicial legislation, and because in all civilized communities, there is an effort in the enactment of laws to make them conform as nearly as possible to the precepts of natural justice, or the Divine law as it speaks through our conscience, those precepts become rules of interpretation to the lawyer and to the Judge in ascertaining individual rights and obligations. As justice is a sentiment which prompts us to respect the rights of others, to render to each one that which belongs to him, and to secure those rights by law, so the precepts of justice should be the interpreter of the law, which emanates from the sovereign authority of the State, and which is called "the perfection of reason," because when properly interpreted it is binding upon all, and the attempt by reason to establish any other rule would be an attempt to subvert the law; and the subversion of the law in any case except where its enactments become so universally burdensome as to justify revolution, takes away from every individual the only security he has for the protection of his rights of person or property. Those rights are always safe when the law is fairly interpreted, and it is the especial province of the lawyers and the judges to see that it is thus interpreted.

Lord Coke says that, "a substantial and compendious report of a case rightly adjudged, doth produce three notable effects: First, it openeth the understanding of the reader and the hearer; secondly, it breaketh through difficulties; and thirdly, it bringeth home to the hand of the studious, variety of pleasure and profit. I say it doth set open the window of the laws, to let in that gladsome light whereby the right reason of the rule (the beauty of

the law) may be clearly discerned; it breaketh the thick and hard shell, whereby with pleasure and ease, the sweetness of the kernel may be sensibly tasted, and adorneth with a variety of fruits, both pleasant and profitable, the storehouses of those by whom they were never planted or watered."

Whether this be considered a mixture of metaphors, or a variety of illustrations, it is beyond criticism, because it comes from one of the great masters of the common law.

In the positions which I have occupied, both public and private, more than fifty years of my time has been spent in the practice of my profession, and I have found that the knowledge of such legal principles as I acquired in early life have been of use to me. In the practical walks of life they have guided my footsteps; in the discharge of public duties that knowledge has been the light which has pointed the way to the solution of the grave questions that concerned the public welfare; as a code of ethics, none that has been invented by human wisdom is superior to the maxims of the common law. The waywardness of human passions and prejudices, which carry men to such extremes that they can see but one side of a case is tempered by the maxim, "Audi alteram partem"—hear both sides—which is a fundamental maxim in the administration of justice; and when the student comes to learn in the horn books of the law, the relations of men toward each other in the practical affairs of life, he is again confronted with that wise, humane and Divine maxim: "Sic uteu tuo ut non alienum lodas"—so use your own as to not injure another.

The school of the practicing lawyer enables him to acquire a practical acquaintance with human nature in all its multiplied phases. He may learn what weakness may be pardoned, what excess of passion may be condoned; he may learn that there is in most instances two sides to every case; how apparent violations of right may be explained; how little difference there is in the great mass of human beings, and what are the secret springs of human actions which are hidden from the outside world, and he is therefore less disposed to form a rash judgment of human actions.

It belongs to the members of the legal profession to study the rights of individuals in their various relations to each other and to the State, and to see that they are secured by a just administration of the law. To do this demands as well a thorough knowledge of the principles of jurisprudence as taught by the masters of the profession, the special enactments of legislators and the origin of customs which have ripened into laws, by the judgment of competent tribunals, not, however, by too much reading but by much reflection and reasoning upon what the law should be in a given case, as also the relations of the different members of society to each other, the various industries which become subjects of contracts, the products of human genius, which in the progress of civilization have developed new industries, and to what extent they have changed former conditions; and in all legal controversies in which they may be concerned, to make a fair and honest presentation of the law and the facts before the court; and above all things to avoid the stirring up of litigation, and when consulted by a client, to counsel the settlement of a controversy without litigation if it is deemed advisable to do so; and under all circumstances, as an officer of the court, to have the courage to defend the right, however it may be assailed, whether by the voice of the multitude, or the despotism of a single individual clothed with official power.

This, it may be said, is the lawyer in the abstract—and so it is—and we are happy to say that a few of such may be found ; but of the lawyer in the concrete, of whom I am glad to say there are few in numbers as compared with the great mass of the profession, but there

are so many varieties that it would be impossible to lay down any general description which would embrace them all. Some would suppress the truth or suggest a falsehood, even though it would bring no benefit either to them or their clients; some would advise the bribing of witnesses; others would stir up litigation, or make personal appeals to be employed in cases and some would answer the definition of Lord Brougham, to-wit: That "a lawyer is a learned gentleman, who rescues your estate from your enemies and keeps it himself." Some without regard to value of their professional services would extort unreasonable and exorbitant fees, by an exhibition of impudence, assurance, or as it is sometimes called, "cheek," by which the unwary client is entrapped into the belief that he is dealing with a great lawyer who is all that he pretends to be. "I would rather have your cheek," said a gentleman to a petty attorney, "than a license to steal."* I am sorry that there are many of this class. They will never become great lawyers, but only great appropriators of other men's means. They reap what they have never sowed or watered.

In spite of all these shortcomings and malpractices on the part of many members of the legal profession, society owes much—and perhaps more—to them than to any other class of citizens. In the exposition of the law as applied to human rights and obligations, as well as in the struggle against arbitrary power, as the pages of authentic history inform us, the lawyers have been the chief actors, and whatever prejudice may exist against them as a class, springs from the conduct of those who are unworthy of the profession. It cannot be disputed that in the defense of human rights against the encroachments of arbitrary power; in devising and formulating the enactments intended to protect life, liberty and property; in the framing of constitutions and generally in the organization of the forces necessary to preserve the peace and happiness of the members of society, the efforts of no other class of individuals will bear a comparison with theirs. It is not because they are naturally better or more active men, but because in civilized society, the law being the standard of right in all the civil relations which men bear to each other, it is the province of the members of the profession to study and ascertain the nature and extent of the obligations and rights which belong to each individual, to be informed of what is prescribed, and to devise new methods of promoting the welfare of the individual and of the public.

I have been requested by the publishers of this work to give some reminiscences and make some historical reference to the bench and bar of Missouri of the olden time.

The ordinance of the Missouri Constitutional Convention, accepting the conditions of the act of March 6, 1820, providing for the admission of the State into the Union, was adopted on the 19th of March, 1820, and an attested copy of the Constitution was submitted to Congress. There were certain clauses in that instrument which gave rise to a protracted controversy in Congress, and on the 2nd of March, 1821, the Senate and House of Representatives adopted a resolution to admit Missouri into the Union on the footing of the original States, providing the Legislature should by a solemn public act declare the assent of the State to the condition that the fourth clause of the twenty-sixth section of the Constitution submitted to Congress on the part of the State, shall never be construed to authorize the passage of any law by which any citizen of either of the States of the Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States. The clause referred to permitted the owners of slaves to emancipate them, saving the right of creditors where the

* "A Club of One," by A. P. Russell.

person so emancipating will give security that the slave emancipated shall not become a public charge. On June 26, 1821, the General Assembly passed an act assenting to the conditions imposed by Congress by the resolution of the 2nd of March, 1821, and on the 10th of August, 1821, the President issued his proclamation declaring that Missouri was admitted into the Union. So that on the 10th of August, 1821, Missouri became a State of the Federal Union.

Prior to the admission, a Governor and members of the Legislature had been elected and the other officers appointed. Alexander McNair had been elected Governor. The Judges of the Supreme Court were appointed by the Governor and confirmed by the Senate. The first three Judges of which the Supreme Court was then composed were Matthias McGirk, of Montgomery County, John D. Cook, of Cape Girardeau County, and John R. Jones, of Pike County. The Judges were to hold their office during good behavior, and until they arrived at the age of sixty-five. John D. Cook resigned in 1823, and Rufus Pettibone was appointed to fill the vacancy; John R. Jones died in 1824, and George Thompkins was appointed to fill the vacancy; Rufus Pettibone died in 1825, and Robert Wash was appointed to fill the vacancy; Robert Wash resigned in 1837, and John C. Edwards was appointed to fill the vacancy; John C. Edwards resigned in 1839, and William B. Napton was appointed to fill the vacancy; in 1841 Judge McGirk resigned, he having held the office for twenty years, and William Scott was appointed in his place. The Supreme Court consisted of Thompkins, Napton and Scott when I came to the bar in 1842. In 1845 Judge Thompkins arrived at the age of sixty-five. A vacancy having thus occurred, Priestly H. McBride was appointed to fill it.

By an amendment to the Constitution, proposed by the General Assembly in 1847 and ratified on the 11th of January, 1849, the offices of the Supreme Judges became vacant on the 1st of March, 1849, and the Governor was authorized to appoint the Judges of the Supreme Court to hold their offices for a term of twelve years, and under the provisions of this amendment, William B. Napton, John F. Ryland and James H. Birch were appointed. At the same session of the General Assembly (1849) another amendment was proposed and voted for by a majority of two-thirds of both houses, making the Judges of the Supreme Court elective for the term of six years, the first election to take place on the first Monday of August, 1851. This amendment was ratified by the General Assembly by a like vote of two-thirds of both houses as required by the Constitution, and the offices of the incumbents were vacated by the terms of the amendment. The Circuit Judges were also made elective for six years.

At the election provided to take place on the first Monday of August, 1851, Hamilton R. Gamble, John F. Ryland and William Scott were elected. Gamble was a Whig—the State was Democratic—but the high character of the man, his learning and ability were so conspicuous and so highly appreciated, that he was elected to the Supreme Bench. On the 15th of November, 1854, Gamble resigned, and on the 1st of January, 1855, at a special election, Abiel Leonard, of Howard County, was elected to fill the vacancy. Mr. Leonard was also a prominent member of the Whig party, but he was also elected in a Democratic State because of his high character and ability as a jurist. And no Judge who ever held a seat upon the Supreme Bench of Missouri has been his superior in ability, learning or judicial acquirements.

At the August election in 1857, William Scott, William B. Napton and John C. Richardson were elected as Judges of the Supreme Court. Judge Richardson was also a Whig

in politics elected in a Democratic State, and we cannot speak too highly of his ability and integrity. In 1859 Judge Richardson resigned, and Judge Ephraim B. Ewing was elected to fill the vacancy. The war came on in 1861, and the Convention chosen by a vote of the people, established a provisional government for the State, elected Gamble Governor, and passed an ordinance, the effect of which was to vacate the offices of the Supreme Judges. Under the provisions of the same ordinance, Governor Gamble appointed Barton Bates, W. V. N. Bay and John D. S. Dryden Supreme Judges, and in November, 1863, they were elected by the people.

On the 13th day of February, 1864, the General Assembly passed an act providing for the election of a State Convention of delegates, two from each Senatorial District, the election to be held on the first Monday of November, 1864, at which time the qualified voters of the State should vote "for a State Convention" or "against a State Convention," and if a majority of the votes should be cast for a Convention, then the Convention should assemble at St. Louis on the 6th of January, 1865. The majority of the votes having been returned for a Convention, the Convention assembled as provided. The act gave the Convention authority to consider:

1. Such amendments to the Constitution of the State as may be by them deemed necessary for the emancipation of slaves.

2. Such amendments to the Constitution as may be by them deemed necessary to preserve the purity of the elective franchise to loyal citizens, and such other amendments as may be by them deemed essential to the public good.

There can be no question but that the powers of this Convention were limited to the consideration of the subjects designated by the act of the General Assembly. The delegates were elected by the people under the provisions of the act, and for the objects pointed out in the act. They had special powers and those powers only could be exercised. To say that they had other powers than those specified, is to affirm they had all powers which they chose to exercise. Those powers were clearly and distinctly to amend the Constitution.

On the 17th of March, 1865, this Convention passed an ordinance providing among other things for the vacating of all judicial offices, including those of the Judges of the Supreme Court. This was no amendment, or anything in the nature of an amendment to the Constitution. It added nothing to, nor did it take away any provision of the Constitution, but was simply an arbitrary and revolutionary act. This ordinance was never submitted to the vote of the people as the Constitution was. Under the provisions of this ordinance, the Governor claiming that the ordinance was valid and the offices of the Supreme Judges vacant, appointed David Wagner, Walter L. Lovelace and Nathaniel Holmes Judges.

These new Judges issued an order calling a special term of the Supreme Court to be held at St. Louis on the 12th of June, 1865. Judges Bay and Dryden also issued an order calling a special term of the Court at the same time and place, Judge Barton Bates having previously resigned his office on the first day of February, 1865. On the day appointed Bay and Dryden took their seats upon the bench and proceeded with the business of the Court. The next day, June 13, Governor Fletcher through D. C. Coleman, Adjutant General, notified Bay and Dryden that the ordinance of the Convention was the supreme law and that it was his duty to enforce it, and that he would treat "as they deserve, any acts on their part, done in furtherance of a design to intrude themselves into and usurp the powers of the office of Judge of the Supreme Court." There was no civil proceeding, in

aid of which the military was called upon, there was no riot or insurrection, no existing war, no criminal or political offenses charged against the existing Judges, but simply an effort on the part of Bay and Dryden to hold the offices to which they had been elected by the people, and whose functions they had discharged for several years. They refused to obey the order of the Governor and so informed Coleman, who in a short time returned with a police force and presented them the following order:

HEADQUARTERS.
STATE OF MISSOURI,
June 14, 1865.

Special Order:

1. The usurping Judges of the Supreme Court will be compelled to submit to the ordinance of the State Convention vacating certain offices.

2. David Wagner, Walter L. Lovelace and Nathaniel Holmes, will be put in possession of the Supreme Court room, in the Court House of the City of St. Louis, with all the records, seals, furniture, books and papers of the office of the Clerk of the Supreme Court.

3. Brigadier-General D. C. Coleman is charged with the execution of this order, and will employ such force for that purpose as he may deem necessary, and arrest all persons who may oppose him.

THOMAS C. FLETCHER,
Governor and Commander-in-Chief.

The laws were in force throughout the State; the civil tribunals were in the full exercise of their authority; the Constitution made by the Convention had not been voted on by the people; that instrument did not go into effect until the 4th of July following; the ordinance under whose authority this act of the Governor was exercised, had not been voted on by the people as was done in the case of the Railroad ordinance, nor was it ever voted upon; the action of the Governor was not taken in aid of the civil authorities of the State, but was, as it purports to be, the exercise of pure military power in time of peace. It is true that if laws and ordinances are to be interpreted by Judges, or even by the Legislators who framed them, and not left to executive or military officers to interpret and execute, there would be the perplexing difficulty of having two judicial tribunals antagonistic to each other and both claiming equal powers. In such cases, to solve the difficulty, the military assumes authority over the civil authorities and cuts the "Gordian Knot," and justifies the act under the tyrant's plea of necessity.

One of the complaints against King George in our Declaration of Independence was that: "He has affected to render the military independent of and superior to the civil power." And this same Constitution of 1865, framed by the Convention which enacted the ordinance in question, had just declared: "That the military is, and in all cases and at all times ought to be, in strict subordination to the civil power." It is hoped that the "effacing finger of time" will never blot out the recollection of this event.*

Under the order issued by Governor Fletcher, Gen. Coleman appeared before the Court with a detachment of police, and Judges Bay and Dryden refusing to vacate their seats, they were removed by force, taken before the Recorder of St. Louis, and complaint filed against them for disturbing the peace. With this mixed exercise of military and judicial authority, closes this chapter in the judicial history of the State. The subsequent history of the Supreme Judiciary of the State is familiar to all, and we do not propose to pursue this subject farther.

* There is no difficulty in showing the difference between the action of the Convention of 1861, during the existence of actual war, and under the authority given it in the act providing for the election of its members, and that of 1865. There was no ouster of judicial offices by military force, and it was after an armed conflict the executive officers were driven from the State.

There was something adventurous and exhilarating in the life of a young lawyer in Missouri fifty-five years ago, who commenced his career as most of them did, with a horse, saddle, bridle, and a pair of saddle bags as his only possessions, except perhaps, a copy of the Revised Code of 1835, Blackstone's Commentaries and a copy of Chitty's Pleadings. His ambition and his hopes were the incentives that stimulated his energies and opened up before him a bright future. For a while at least he depended upon his credit, and credit was freely given to any one who had an honest face, a correct deportment and industrious habits. It was a land of plenty so far as the necessaries of life were concerned, and when a young lawyer swept out his office, chopped his own wood and made his own fires, he was considered worthy of credit of one month's board at least. It is astonishing how men upon the frontier lean upon each other, and how freely and cheerfully they afford mutual assistance. If an emigrant comes from afar and enters a tract of land where he expects to make his home, he must have a cabin, and all the neighbors collect together on a certain day and give him "a house raising." A hunt or a frolic succeeds, and he begins to feel at home. And such was the conduct of the lawyers toward each other. There was no rule, or regulation against borrowing, and whatever his neighbors have that he has not, is at his service, except their wives, and these they would sometimes swap off, as I have been told by a lawyer of the olden times, who said that in one county in which he practiced, the inhabitants were of the opinion that there was not more than a cow and calf's difference between any two women in the world.

When eggs were six cents per dozen, beef three cents per pound, wheat from fifty to sixty cents per bushel and everything else in proportion, a lawyer could not expect large fees. Ten Mexican dollars to try an action of forcible entry and detainer, the most important case before a Justice of the Peace, after riding a distance of twenty miles, was considered a good fee. In this connection I may state, as was said, that James R. Abernathy, of Monroe County, who for a long time was Prosecuting Attorney for that circuit, in his early professional career brought an action of forcible entry and detainer for a bee hive, and this being a case of more than ordinary character, his fee may have been large. Uriel Wright, then of Palmyra, and the most elegant and accomplished speaker in Northeast Missouri, was noted for his long speeches, particularly in the defense of criminals prosecuted by Abernathy as Circuit Attorney, and much given to repetition. Abernathy on one occasion said that Wright reminded him of a race horse, who was put upon the track to run a race four miles and repeat. The attorneys were not then limited in the argument of a case before a *nisi prius* court. It is true there were not so many cases before the courts, but they were more speedily disposed of. A demurrer or a case tried by the court without a jury was generally disposed of at once before the Judge left the bench, certainly not later than the next morning. They were not held under advisement in order that the Judge might find out some point upon which to decide the case, not mentioned or discovered by the attorney. The session of the courts lasted about three weeks on an average, and to postpone the decision of a case until the next term was considered a "denial of justice," in the language of Magna Charta. I recollect trying a case before Judge William A. Hall, at Mexico, in Audrain County, involving the title to an old Spanish grant of 6,000 acres of land, taken before him by change of venue from Pike, and he decided the case the next morning—and no appeal taken from his decision. He was considered one of the best *nisi prius* Judges in the State, as undoubtedly he was. As a man of great learning in his profession, of clear mind and of quick perception, he had no superior in the State as a

Judge. A Judge in those days would decide the case at once after hearing the arguments of counsel, without spending a month or two in reading the conflicting opinions of other Judges to be found in the reports. The fact is he could not help himself, for there were very few reports to be had, and he was compelled to follow the course of the judicial tribunals of Continental Europe, where as a general thing there are no reports of cases (and so much the better it is for the cause of justice), and therefore when the case was tried before a Judge, whether he was asleep or awake, on the trial he decided it at once. On one occasion a case was being tried before a certain Judge in Northeast Missouri and objection was made to a question asked of a witness. The Judge was asleep, as was sometimes his habit, and after the argument of counsel on either side was made, one of the attorneys in a loud voice asked the Court whether the witness should answer the question. "Well," said the Judge, who had by this time been aroused, "let him answer the question. It may throw some light on the case." He really did not know what the question was, nor what had been said on either side of the controversy. This, of course, he was not willing to admit, but did not wish to exclude any light that might be thrown upon the case—if an error it was on the side of justice.

Up to a late period the Judges of the Supreme Court were as prompt comparatively as the Circuit Judges. They never held a case under advisement for two years or more, until the arguments of counsel had been forgotten and they were compelled to study the case anew without the aid of the attorneys, who at least are generally as learned in the law as most of the Judges. They did not decide or ignore that declaration of the Bill of Rights which says that "Justice shall be administered without sale, denial or delay," and they did not act "in direct contradiction to those laws, which they are supposed to make the study of their lives, and which they are sworn to administer faithfully,"* for the Bill of Rights is as much a part of the law of the land as any other part of the Constitution. The docket may be crowded with a multitude of cases which cannot be disposed of, but of those which they are willing to hear, they ought to be ready to decide.

In the early days the professional business of one county was not sufficient to support three or four lawyers, and therefore like the Methodist preacher, they would have to ride the circuit. If a house of entertainment were on the route, they could have a good substantial meal for twenty-five cents and the same for feeding a horse. As a matter of precaution, however, it was usual for a lawyer to carry a lunch stowed away in the corner of his saddle bags, in which he carried also his shirts and socks and court papers. Upon the broad prairies and through the silent woods, he would have an opportunity to study his cases, and apply to the questions involved those principles which he had learned from the text books, when books had been accessible, without knowing or caring about cases, except as they were to be found in the decisions of the Supreme Court of Missouri to be found in the Clerk's offices up to and including Volume VII. Or if other attorneys were in company, they would discuss questions of law as they had arisen from time to time in their professional career, and when the noon-tide came and no house of entertainment in reach, and both horse and rider needed rest, the weather being suitable, he would dismount and partake of his lunch and if need be rest upon the green grass with his saddle for a pillow.

The prominent members of the bar of Missouri fifty-five years ago were: Greer W. Davis, General Nathiel Watkins, Albert Jackson and Thomas B. English of the South-

*Junius to Lord Mansfield.

east; Hendricks, Waddell, Claude Jones* and Phelps of the Southwest; French, General Doniphan, Ryland, Hicks, Gardenhire, Craig and Stewart, Samuel H. Woodson and Ben Stringfellow and Bela Hughes of the Northwest; Carty Wells, Uriel Wright, Samuel T. Glover, John D. S. Dryden, Thomas L. Anderson, Dick Richmond and James S. Green of the Northeast; Porter and Buckner of Pike; Campbell† and Coalter and Cunningham and Krekel of St. Charles. From the central portion of the State there were Abiel Leonard, who had no superior as a jurist in Missouri or the United States, and Davis and General John B. Clark of Fayette; Rollins and the Gordons from Boone; Jamison and Hardin from Callaway; Winston and Thompkins and Hayden and John G. Miller from Cooper. From St. Louis and vicinity there were John D. Stevenson, W. V. N. Bay and Charles Jones of Franklin; Hamilton R. Gamble, Edward Bates, Henry S. Geyer, Thomas B. Hudson, R. S. Blennerhassett, Charles S. Rannels, Myron Leslie, Trusten Polk, Josiah Spalding, Beverly Allen, Wilson Primm and Thomas H. Benton of St. Louis.

Benton, however, had long since ceased to be a lawyer in active practice; indeed, he was always engaged actively in politics from the time he was first elected to the Senate when Missouri was admitted into the Union. Haughty, domineering and egotistical, but able and well informed in the political history of the country, he was able to control, and did control the politics of the State for nearly thirty years, and when a portion of his party finally forsook him he attempted no conciliation, but defied and denounced them in the bitterest terms. No man in Missouri since his day has had the devoted political following that he had. The members of the old Whig party, however, asked him no favors. They were his implacable political foes. He generally spoke of himself in the third person. Old man Daniel Draper of Auburn, Lincoln County, came to Missouri Territory at an early day, and living on the main State road from St. Charles to Palmyra, kept a house of entertainment for travelers, and was an intense Whig. On one occasion Colonel Benton rode up toward the close of the day and found Mr. Draper chopping wood, and hailing him, said, "Senator Benton wishes to stay all night with you." "Get down and hitch your horse," said Draper, "we are not particular about whom we entertain."

In 1849 Colonel Benton appealed to the people of the State from the instructions of the Legislature, embodied in what were called the Jackson Resolutions. He canvassed the whole State and denounced the resolutions and those who favored them, in the bitterest terms, as breathing secession or nullification and calculated to bring about a dissolution of the Union. He was appointed to make a speech at Fayette, the county seat of Howard County, the home of Claib Jackson and the headquarters of the political clique of Democratic politicians who had organized an opposition to him, in order to defeat his re-election to the Senate. Judge J. W. Henry, now one of the Judges of the Circuit Court for Jackson County, has given me an account of that meeting. He says he was approached by some of the anti-Benton men and urged to answer Benton, as Claib Jackson was not there, "but I

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*Claude Jones of Neosho was a man of vigorous intellect and a vigorous eater. He was called the "Quapaw Chief" from the fact that at every session of the Legislature of which he was a member, he introduced a memorial to Congress for the annexation to the State of the Quapaw Country, lying between the Southwest border of the State and the Grand River of the Arkansas. I served with him as a member of the Constitutional Convention of 1845-46, and during the session a challenge to fight a duel passed between him and General William Shields of Lexington. The controversy between them was settled by mutual friends.

†William M. Campbell of St. Charles, afterwards the editor of the *New Era* of St. Louis, which was merged into the *Intelligencer*, was one of the ablest lawyers of the State, for many years a member of the Legislature from St. Charles, and of the Convention of 1845, and was one of the most useful Legislators we ever had. Always at work, full of legal, political and historical information, his head a storehouse of learning, always ready to assist others, for fifteen years—from 1835 to 1850—he must have drafted two-thirds of all the bills that were submitted to the Legislature during that time; but so soon does the memory of great and useful men pass away that very few now living know that such a person ever existed.

told them I would as soon enter the cage of a lion. Jackson, when Benton spoke within forty miles of Fayette, would go to answer him, but always waited until Benton got one hundred yards from the place of meeting before he ventured to take the stand, and when they insisted that I should reply to Benton I said, alluding to Jackson's careful habit, that if they would just wait until Benton got half way to Boonville on his return, I would give him hell. Benton heard of it and I was told by Dr. Thomas of Boonville, his friend, that when he heard it he was so pleased with the reply that he said he would like to know me." Judge Henry further says, "I am ashamed that I was ever against him. He was right in his controversies with the antis, and his speeches in this canvass were the most magnificent I ever heard. I heard him at Fayette, Rockport and Boonville and I never let an occasion pass to hear him." Judge Henry was then a young man. He has since been for many years a Justice of the Supreme Court of Missouri, which office he filled with distinguished honor, and is now, and has been for many years, Judge of the Circuit Court of Jackson County. Able, just, brave and true, he has ornamented every position he ever held, but he was not rash or fool-hardy even when a young man and frankly tells the truth of the incidents which took place on the occasion referred to. Benton was always a terror to his political enemies throughout the State, in his appeal to the people in 1849. But few of them have been frank enough to acknowledge it.

I was a member of the Missouri Legislature in 1850 and 1851, when Benton made his last struggle for a continuance of his term as Senator, and when Mr. Geyer of St. Louis, was elected by the aid of the votes of Anti-Benton Democrats. It was the struggle of a strong man against adversity, and came very near being a drawn battle and a failure to elect. In that case, Governor King, who was the friend of Benton, would have appointed him Senator. It has since been decided, however, that in case the Legislature fails to elect, an appointment by the Governor would be without authority, and there would be a vacancy until the next session of the Legislature. Colonel Benton was not at the Capital during the contest, nor were any of the candidates present, it not then being deemed respectable. Stewart of Buchanan, afterwards Governor, was the first who led off and voted for Mr. Geyer, and on the fortieth ballot, after a bitter contest of eleven days in the joint session, Mr. Geyer was elected. Benton was undoubtedly one of our greatest statesmen. In 1828 he and the Hon. Edward Bates, then a member of Congress from Missouri, had a personal difficulty, and for twenty-five years they passed each other without speaking.

The members of the bar whom I have mentioned, and some of whom took active part in the organization of the State government and in its administration afterwards, have without an exception passed away. Many of them were highly distinguished as statesmen or lawyers, or both. I shall make no comparisons, but such men as Bates, Gamble, Geyer, Leonard, Glover, Wright, would have stood in the front rank of the profession in any State of the Union. I may be pardoned for making special mention of the Hon. Edward Bates, my preceptor and friend. I was in his office and lived with his family for three years as a student. He was known to me in all the relations of life; as a citizen, father, husband and friend, he was able, honest, learned in his profession, courteous and kind-hearted in his intercourse with his fellow-men; as an advocate at the bar, and in the field of political controversy he was always eloquent, and gave to his hearers the impression that he was sincere and truthful, as he always was. Morally and physically, his personal courage never was and never could be questioned. He has held and he has refused high offices of public trust in the nation. In conjunction with his personal and political friend, David

Barton, he was one of the active and efficient members of the Convention which framed the Constitution of 1820. Joshua Barton was his partner in the practice of the law when he was killed in the duel by Thomas Rector. David was President of the Convention, and was elected without opposition as the first Senator from Missouri, Colonel Benton being afterwards chosen as his colleague. Edward Bates was offered a position in President Fillmore's Cabinet, but declined to accept the appointment, and when Mr. Lincoln was elected he was appointed Attorney-General. He has ably and faithfully served his country in every public position that he ever held, and died a true patriot and a devoted Christian.

It is impossible for me to allude to the characteristics of all the prominent attorneys above mentioned as members of the bar fifty-five years ago, most of whom I knew personally. Jim Winston, of Boonville, originally from Buncombe County, North Carolina, was a peculiar character, a man of kind heart, great ability and jovial disposition. It was said of him that he never collected a debt and never paid one. This of course was not true, but he never cared for money and had no business capacity. In 1852 he canvassed the State, on foot, for the office of Governor, for which place he had been nominated by the Whig party, but was beaten by Sterling Price. He was never married, but while in the State Senate his affections leaned very decidedly towards a beautiful and accomplished widow then residing at the Capital, but at that time Frank Blair was a member of the House, and it was said that his affections were so much divided between the two that he never whispered a tale of love to the widow. No man was ever more attractive than General Blair.

General John B. Clark, of Fayette, was a very successful practitioner. He was what was called a good jury lawyer; his sympathies were so much enlisted in behalf of his client as to bring tears to his eyes, no matter whether the controversy was one about the value of a horse, or the trial of a man for murder. It was then perfectly legitimate for a lawyer, a juror, or even a bystander to cry in the trial of a case, but he was not allowed to bellow. About the time I came to the bar the celebrated case of Bryson vs. Bryson, for divorce, was tried in Pike County, Missouri. There was quite an array of counsel on either side, amongst whom were Edward Bates of Missouri and Edward Baker of Illinois—the same General Baker who was killed in the late war at the battle of Ball's Bluff. Baker was remarkable for his eloquence. Whilst he was making one of his most pathetic appeals to the jury, one of the audience, Squire James Turner, a man over six feet in height and weighing about three hundred pounds, bellowed like a calf under the influence of Baker's oratory. The Judge immediately said: "Take that man out, Mr. Sheriff!" Turner, seeing the Sheriff coming towards him, cried out: "I think I can stand it now, Judge!" and he was permitted to remain, but the incident broke the charm of Baker's appeal, for the audience and the jury engaged in a laugh at Turner's ludicrous appearance. Turner afterwards moved to Texas and carrying with him the title of Squire, was soon exalted in the judicial scale by the good people of Texas and called Judge Turner, which honorable title he carried with him to the grave.

In the early settlement of Howard County by the American population, old Franklin became the rendezvous of the most prominent lawyers of the State outside of St. Louis. Hamilton Gamble, Leonard, French, Ryland and Hayden were there amongst others. I have recently heard of an incident connected with the lives of Gamble and Leonard, which I never heard before, but it was told by an old member of the Missouri bar as coming to him from Mr. Leonard himself. It was to the effect that a challenge to fight a duel had

passed between French and some other man whose name, if Mr. Leonard had told him, he had forgotten. Gamble and Leonard were the two seconds. The agreement was to fight on Chenal Ecarti (Sny Carty), an island in the Mississippi opposite Louisiana, in Pike County, about sixty miles long, then and still under the jurisdiction of Illinois, but then totally uninhabited. It seems a great distance to ride from Howard County on horseback to fight a duel, but not half the distance that Mr. Leonard traveled from Howard County when he fought the duel with Major Berry and killed him, near New Madrid.* They arrived at Louisiana about nightfall, and all stopped at Marshal Man's hotel, the only house of entertainment in the place. That night they got to drinking, all became more or less intoxicated, made friends, broke off the duel and took the back track next morning for old Franklin.

For a long time afterward, old Franklin remained the seat of empire in Western Missouri, but old Franklin, like many a stalwart monarch of the forest, yielded to the rushing current of the Missouri River, and was finally washed away in a June rise by the waters of that turbulent stream and a new town founded and incorporated by an act of the Legislature in 1833, farther back from the river, called new Franklin, which, as subsequent events have shown, became more historic than the old town. New Franklin wanted to build a railroad from the town to the Missouri River, and in 1833, by the act of incorporation, the Legislature authorized the Trustees of the town to create a lottery for the purpose of raising money to build a railroad from the Missouri River to the town, the amount not to exceed the sum of $15,000. In 1839 the Legislature amended the charter of the town by providing for the construction of a macadamized road instead of a railroad, at the discretion of the Trustees of the town, and adopting the provision of the act of 1835, by which the Sisters of Charity of St. Louis were authorized to make a contract with any person to establish a lottery and sell lottery tickets for the benefit of a hospital, the Trustees of new Franklin were authorized to establish a lottery to raise money for the building of the road. The validity of the latter act and the power under it has been passed upon by the Supreme Court of Missouri, by which it was held to be valid, the contract being inviolable under the provisions of the United States Constitution. So the Trustees of new Franklin in 1842 made a contract with Gregory, by which he agreed to sell lottery tickets, and from the proceeds of the sale he was to pay them $250 per year for road construction. Under this agreement it would take sixty years to raise $15,000. During the session of the Missouri Legislature of 1842, an act was passed repealing all laws on the subject of lotteries, and making it a penal offense to sell lottery tickets. Under this contract with Gregory thousands and thousands of dollars were made by the sale of lottery tickets. In 1852 or 1853, Morrow, one of the lottery agents, was indicted in St. Louis under the penal clause of the act of 1842, for the sale of tickets. The case went to the Supreme Court and was decided in 1855 in favor of Morrow, upon the doctrine held in the Dartmouth College case, viz: That the act of the Legislature of 1842 impaired the obligation of the contract made with Gregory and his assigns. The jury in the court below had found a special verdict, setting out all the facts of this case, which is reported in Twenty-sixth Missouri reports. And so the lottery lived on. In 1865 the State endeavored to abolish the lottery by Constitutional provision, and the Drake Constitution declared that: "The General Assembly shall never authorize any lottery; nor shall the sale of lottery tickets be allowed; nor shall any lottery heretofore authorized be permitted to be drawn, or tickets therein to be sold."

* It has been stated by some that the duel between Leonard and Berry took place on Bloody Island, opposite St. Louis, but this is not so. The agreement was that the fight should take place either in Kentucky, Tennessee or Arkansas, as should be most convenient when they arrived at New Madrid. The law against duelling was very strict at the time.

The wise men of the Convention of 1865 doubtless believed that the State by a Constitutional provision could violate a contract, when it could not be done by an act of the Legislature. Of course there was nothing in it, and no attention was paid to it. Even though this provision should be claimed as a police regulation, the Constitutional provision had no more force than an act of the Legislature, and there was already an act of the Legislature on the subject. And so the lottery lived on until 1877, when the Attorney General instituted a proceeding by *quo warranto* before the Court of Appeals against George Miller, who was managing the lottery in St. Louis, with a view of taking away the franchise, and by a divided court the case was decided in favor of the State, Judge Thomas T. Gantt holding that there was no consideration to support the contract with Gregory, and Judge Lewis holding that the franchise had been forfeited. It is impossible to say how many thousands of dollars were made in St. Louis and New York by the sale of lottery tickets. The lottery lived for forty-four years, and during a greater portion of that time it was doing a large and successful business. The case of the State vs. Miller is reported in 1 Missouri Appeals.

Much might be said in praise of the distinguished men who have ornamented the bench and the bar in Missouri during the period alluded to, but such an undertaking would make this paper more voluminous than was intended, and trespass upon time assigned to other matters. I have spoken only of those who were upon the stage of action when I came to the bar in 1842, all of whom have since passed away. Missouri may well be proud of their achievements upon the bench, at the forum and in the halls of legislation, and be willing to accord to them the honor of having done much in the work of laying the foundation of the prosperity which she now enjoys. From her earliest history the State has been a field of conflict. She came into the Union amid the throes of a political convulsion. Upon her borders she has had the Black Hawk war, and afterwards the Heatherly war, and the Mormon war, and the Kansas war, and later still the war for the Union, when her whole territory was desolated by guerilla warfare as well as by the tread of regular armies, but she has risen from these calamities to the high position she now occupies as one among the first States of Union in material wealth and prosperity.

St. Louis, Mo.
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EVOLUTION OF CORPORATION LAW IN MISSOURI AS AFFECTING THE DEVELOPMENT OF THE STATE.

BY SENECA N. TAYLOR.

A PRIVATE corporation is a legal person endowed with rights and privileges of an individual, within the scope of the power conferred upon it by law giving it the right to exist. It may be composed of three or more persons, constituting under a particular name one artificial person, bound by law into one body and endowed with the capacity of an individual person, within the scope of the expressed or implied powers with which it is endowed.

The chief objects of a private corporation are to enable many persons to unite their capital for the carrying on of a particular business, without incurring the risk incident to the individual liability of persons associated as co-partners, and the right of indefinite succession under a corporate name, which is unaffected by succession, changes or death of its shareholders. It has a legal status distinct from its shareholders, and it is an artificial being, invisible, intangible and existing only in contemplation of law.

For the purpose of executing contracts and suing and being sued in the courts, a corporation is regarded in law as a citizen of the State under whose laws it was created, and this without regard to the place of residence of the shareholders or officers of the corporation. The Constitution of the United States, in defining the class of cases to which the judicial powers of its courts shall extend, includes "controversies between citizens of different States." It was at first held by the Supreme Court of the United States, that a corporation could not be a citizen of a State under which its charter was granted so as to confer jurisdiction on the Federal Courts, unless all the shareholders were citizens of a different State from that of the opposite party. But this doctrine did not long obtain in the Federal Courts, and was never followed by the State Courts. The doctrine universally held now is, that for the purpose of litigation in the Federal Courts all the stockholders of a corporation are conclusively presumed to be citizens of the State which created it; and in most of the States either the Constitution or laws expressly provide that a corporation shall be regarded a citizen of the State creating it.

In 1812, Congress conferred power upon the Territorial Legislature of Missouri to enact laws in relation to the government of the people of that Territory, with no other limitations than such as were imposed by the Federal Constitution. During the period Missouri remained a Territory, its Legislature granted charters to but few corporations, and all such were municipal, such as counties and trustees of towns. Trustees of the towns of St. Louis and Ste. Genevieve were the only villages incorporated under the Territorial statutes of Missouri.

In 1820, the Territorial Constitutional Convention adopted a Constitution which, on submission to Congress in 1821, was approved, subject to certain modifications, and in that

year Missouri was admitted to the Union as a State. Article VIII. of this Constitution reads: "The General Assembly may incorporate one banking company, and not more, to be in operation at the same time. The bank incorporated may have any number of branches, not to exceed five, to be established by law; and not more than one branch shall be established at any one session of the General Assembly. The capital stock of the bank to be incorporated shall never exceed five million dollars, at least one-half of which shall be reserved for the use of the State."

The foregoing is all that is contained in Missouri's first Constitution with reference to corporations. This Constitution, subject to certain amendments, none of which, however, materially affect corporations, remained in force until the adoption of the Drake Constitution in 1865.

The Bank of the State of Missouri was incorporated in 1837, with an authorized capital of $5,000,000, the parent bank to be located in St. Louis and branches to be established at such other points in the State as might be deemed advisable by those controlling the institution. The State of Missouri became a partner, subscribing for one-third of its capital stock, and the charter provided that two members of the Board of Directors should be appointed by the Governor of the State. The following named persons constituted the Board which organized the bank: President, John Brady Smith; Hugh O'Neil, Edward Walsh, Samuel L. Robbin, William L. Sublet, Edward Dobbins, John O'Fallon, D. C. M. Parsons, Thomas West, C. C. Detchemendy, Carney Wells, George K. McGonigle and Theodore S. Magill, with Henry Shields as Cashier. In April of that year the bank begun its operations and became at once a bank of issue. It always met its obligations and its currency had a stable value. This was the first incorporated bank in Missouri. It was reorganized in 1857, under the general State banking laws, and in 1866 the stock held by the State of Missouri was sold and the bank was reorganized under the National banking act, as "The National Bank of the State of Missouri," with a paid up capital of $3,410,300.

In 1845, the Legislature of Missouri enacted its first general law relating to corporations. This law defined the powers and limitations of corporations, but in no sense dispensed with the necessity of obtaining charters by direct legislative enactment. Section 1 reads:

"Every corporation, as such, has power: First, To have succession by its corporate name for the period limited in its charter, and when no period is limited, for twenty years. Second, To sue and be sued, complain and defend, in any court of law or equity. Third, To make and use a common seal, and alter the same at pleasure. Fourth, To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited in its charter. Fifth, To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation. Sixth, To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock." This section, with slight amendments, has remained in force to the present time.

Prior to the passage of this law, charters granted to corporations by the Legislature had to enumerate their powers, limitations, privileges and immunities; but after its passage it became unnecessary to do so, as these were established by general statute.

The law of 1845 is composed of several sections, forming an entire chapter of the Revised Statutes of that year. It prohibits any corporation from exercising any corporate powers in addition to those mentioned in Section 1, except such as were expressly given in

its charter, or necessary to the exercise of the powers enumerated therein. It prohibits any corporation, not expressly incorporated for banking purposes, from discounting bills, notes or other evidence of debt, or receiving deposits, or buying gold and silver bullion or foreign coins, and from buying and selling bills of exchange, notes, or other evidences of debt for circulation as money. It prohibits any corporation (excepting banking companies), from becoming indebted in a sum exceeding the amount of its capital stock paid in, and provides in case of any excess of indebtedness, the directors under whose administration such indebtedness accrued, shall be jointly and severally liable to the extent of such excess, for all the debts of the company then existing and for all that shall be contracted, so long as they respectively continue in office and until the debts shall be reduced to the amount of the capital stock; provided, that any directors not present at the time of the contracting of such excessive indebtedness, or who shall object thereto, may exempt themselves from such liability by giving notice of the fact to the stockholders at a meeting which they may call for that purpose.

In 1849, the Legislature passed the first general law authorizing the organization of corporations other than by special act of the Legislature. This law in substance provided, that at any time after its passage, three or more persons desirous of forming a company, for the purpose of carrying on any kind of "manufacturing, mining, mechanical or chemical business" might make, sign and acknowledge before some officer competent to take acknowledgments of deeds, a certificate in writing, stating the corporate name of the company, and the object for which it was to be formed; the amount of the capital stock, which should not be less than one thousand dollars; the term of its existence, not to exceed thirty years; the number of shares of which the stock should consist; the number of directors and their names who should manage the affairs of the company for the first year, and the name of the town or county in which the operations of the corporation should be carried on. Such certificate was to be executed in duplicate, and one copy thereof filed in the office of the Clerk of the Circuit Court of the county in which the business of the company should be carried on, and the other in the office of the Secretary of State. Then when certificates had been so filed, the Clerk should issue a license to the persons executing the same, on reception of which they and their successors should be a body politic and corporate in fact and in name, capable of suing and of being sued in any court of law or equity in this State.

This law also provided that the stock, property and affairs of the corporation should be managed by a board of directors, consisting of not less than three nor more than nine, who should be stockholders in the company and citizens of the United States, and a majority of whom should be citizens of this State, and that, except as to the first year, such directors should be annually elected by the stockholders. It provided that if the directors of any such company should declare and pay a dividend when the company was insolvent, or the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they should be jointly liable for all debts of the company then existing, and for all that should thereafter be contracted while they respectively continued in office, with the proviso that if any of the directors should object to the declaring of such dividend or to the payment of the same, and should, at any time before the time fixed for the payment thereof, file a certificate of their objection in writing with the clerk of the company, and with the Circuit Court for the county, they should be exempt from such liability. It also provided that nothing but money should be considered as payment of any part of the capital stock, and no loan of money should be made to a stockholder, and any officers who

should make or assent thereto, should be jointly and severally liable to the extent of such loan, and liable for all the debts of the company contracted before the repayment of the sum so loaned.

This law was amended from time to time by the Legislature until brought to its present status, as embodied in Article VIII, Revised Statutes of 1889. Its provisions are now so comprehensive, that any corporation intended for pecuniary profit or gain without regard to its object, may be created under it, if not otherwise expressly provided for, and not inconsistent with the laws or the Constitution of this State or the United States.

In 1851, a second general law was enacted, which provided that "Any Lodge of Free Masons, Sons of Temperance, Library Company, Literary or any other Benevolent Association by whatever name they may be known, consisting of not less than ten persons, by complying with the requisitions herein named, may be constituted and declared a body politic and corporate." It points out specifically the steps required to be taken to organize such corporations.

This law is the basis of Article X, Revised Statutes of Missouri, 1889, relating to "Benevolent, Religious, Scientific, Fraternal, Beneficial, Educational and Miscellaneous Associations." As it now stands, it enables churches, schools, hospitals, clubs, fraternal, beneficial and many other associations having no capital stock to become incorporated. Under its provisions thousands of corporations have been created, and much benefit has resulted thereby to the people of the State. The inconvenience of holding property by an association not incorporated, composed of many members, the uncertainty as to the parties to represent such association in making contracts, or who should be made parties in case of litigation—are all removed when the association becomes incorporated.

In 1851 the Legislature of Missouri enacted a general law, authorizing the creation of corporations for the purpose of constructing and owning plank roads and regulating the toll which might be charged for the use thereof. This law was amended so as to include gravel and macadamized roads. It forms the basis of Article IV, Revised Statutes of 1889. Before the era of railroads there were many plank, gravel and macadamized toll roads, owned and operated by corporations organized under this law. They greatly benefited the people of the State, in that they were used as post roads, facilitating the carrying of the mails at all seasons of the year, and, also enabling farmers to market their crops without regard to the condition of ordinary roads. There are places in the State where these roads still are a boon to the inhabitants. Notwithstanding the numerous railroads, there are in this State nineteen plank, gravel and turnpike roads organized under this law, still in operation, known as toll roads.

In 1849, the "Pacific Railroad," known as the "Missouri Pacific Railroad," the first incorporated in this State, obtained its charter from the Legislature, granting to it power to construct its road from St. Louis to Jefferson City, and thence to the western line of Van Buren County (now known as Cass), with a view that the same might thereafter be continued westwardly to the Pacific Ocean. This was the dawning of a brighter day for Missouri. Many, no doubt, at the time, thought it impossible that a road should ever be built to the Pacific Ocean. In less, however, than thirty years it was accomplished, and to-day four well equipped roads, with connections, span the continent from east to west upon American soil; and one in British Columbia and Canada.

On the 3rd day of March, 1851, special charters were granted by the Legislature to two additional railroad companies, viz: St. Louis & Iron Mountain Railway Co., authorizing

it to construct a railroad from the City of St. Louis to Iron Mountain and Pilot Knob, Missouri; and the North Missouri Railroad (now known as the Wabash Railway Co.), authorizing it to construct a railroad from St. Charles, Missouri, to the northern boundary of the State, in the direction of Fort Des Moines, in the State of Iowa. Other railroad charters were granted by direct act of the Legislature, but the three above named are the most important.

In 1853 the Legislature passed a general act authorizing the organization of railroad corporations by complying with its terms. It is composed of fifty-six sections and was an ably written act. It forms the basis of Article II, embracing one hundred and twenty-nine sections, of the Revised Statutes of 1889, composing a comprehensive statute relating to the organization of railroad corporations, their powers, privileges and duties. Prior to 1853 a railroad could be incorporated in Missouri only by a direct Legislative act granting the charter. Since then such corporations obtain charters by complying with the general laws.

The general law for the organization of railroad corporations, approved in 1853, authorized the County Court of any county and the City Council of any city to subscribe to the capital stock of any railroad duly organized under that act, or any other act in this State, by complying with certain terms and conditions. At the close of the Civil War the people of the State were possessed with a mania for constructing railroads. Counties and cities became liberal subscribers to the capital stock for this purpose; and, in so doing, in many instances, greatly burdened the tax-payers. Not only so, but by legislation, counties and cities were empowered to grant bounties by way of municipal bonds as a bonus to railroad corporations; and this power was exercised to an unprecedented degree. The burden of taxes to meet these obligations was such that many municipalities sought to repudiate the indebtedness, and, doubtless, often would have succeeded, but for the timely interposition of the United States Courts. Prosperous times have enabled the people of the State to meet these obligations and now but little of the indebtedness incurred by counties and cities from such subscriptions to stock and the issuing of such bonds remains unpaid. The intersection of all parts of the State at present with railroads has greatly advanced the material and intellectual development of the people of the State. At the present time, there exist in Missouri one hundred and forty railroad companies, organized under the laws of the State, obtaining their charters mainly by complying with the general law. These railroads, however, are operated, at present, by only fifty-seven distinct companies.

The Legislature granted special charters to twenty-five insurance companies in 1859; to ten in 1861; and to eight in 1864. Before 1859 there were numerous chartered insurance companies existing in this State, created by special acts of the Legislature, but after the adoption of the Constitution of 1865, commonly known as the Drake Constitution, no corporation, for this or any purpose, other than municipal, could obtain a charter by special act of the Legislature. This Constitution contains only six sections relating to corporations, and as they are brief, and have an important bearing on corporations, they are set out in full:

SECTION 1. "No corporate body shall hereafter be created, renewed, or extended with the privilege of making, issuing or putting in circulation any notes, bills or other paper, or the paper of any other bank, to circulate as money, and the General Assembly shall prohibit, by law, individuals and corporations from issuing bills, checks, tickets, promissory notes and other paper to circulate as money.

SEC. 2. "No law shall be passed, reviving or re-enacting any act heretofore passed, creating any private corporation, where such corporation shall not have been organized and

commenced the transaction of its business, within one year from the time such act took effect, or within such other time as may have been prescribed in such act for such organization and commencement of business.

SEC. 3. "The General Assembly shall at its first session after this Constitution goes into effect, enact laws enabling any of the existing banks of issue to reorganize as National banks under the act of Congress, and shall also provide for the sale of the stock owned by this State in the Bank of the State of Missouri, upon such terms and conditions as shall be established.

SEC. 4. "Corporations may be formed under general laws, but shall not be created by special acts, except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered, amended or repealed.

SEC. 5. "No municipal corporations, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof by a direct vote upon the question shall have decided in favor of such incorporation.

SEC. 6. "Dues from private corporations shall be secured by such means as may be prescribed by law; but in all cases each stockholder shall be individually liable, over and above the stock by him or her owned, and any amount unpaid thereon, in a further sum at least equal in amount to such stock."

Prior to the adoption of this Constitution, corporations and individuals had issued script which was circulated as money, but Section 1, quoted, abolished this pernicious practice. Section 4 prohibited the Legislature from granting special charters to corporations other than municipal, and, in doing so, destroyed a fruitful source of legislative corruption. It also led to additional legislation enabling corporations to organize pursuant to general laws, Section 6, created a double law liability against stockholders of corporations, making each liable to pay a sum equal to double the face value of the stock subscribed by him. This proved a source of much litigation. The people of the State were dissatisfied with this law, and it did much to retard the organization of corporations during the time it was in force. At the election in November, 1870, Section 6, above quoted, was amended so as to limit a shareholder's liability to the amount of stock by him subscribed, and in the Constitution of 1875, still in force, is found the same provision.

The Constitution of 1875 contains eleven sections, of which Section 4 secures inviolate the right of trial by jury in all cases of the taking of private property for public use; Section 5 provides that the exercise of police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe upon the equal rights of individuals or the general well-being of the State; Section 6 permits cumulative voting by stockholders in a corporation; and Section 8 prohibits the fictitious issue of stock or bonds by corporations.

The Revised Statutes of Missouri of 1865, contain the first general law relating to the organization of insurance companies. In its scope it covers fire, marine, life, health, accident and stock insurance. It forms the basis of our present comprehensive system of insurance laws. There now exist in Missouri, only two stock fire insurance companies, organized under the laws of this State. In addition to these there are only 12 mutual fire insurance companies, making only 14 fire insurance companies doing business in this State organized under its laws. There are, however, 89 fire and marine insurance companies organized under the laws of other States authorized to transact business in this State. And

there are thirty foreign fire insurance companies organized under the laws of foreign governments, authorized to issue fire insurance policies in Missouri. There are only two regular stock life insurance companies organized under the laws of this State, doing business in this State; and thirty-six companies organized under the laws of other States authorized to do life insurance business in this State. There are four assessment life companies organized under the laws of this State doing business in this State, and twenty-eight such companies, organized under the laws of other States qualified and doing business in this State. The above do not include beneficiary societies.

In view of our liberal laws for the organization of insurance companies it is strange that such a large per cent of the total business is done by foreign corporations. It is manifest that money paid to non-resident companies is withdrawn from circulation in this State, and invested and used in other business centers. It would seem, therefore, an advantage to the people of this State that premiums should be paid to home, rather than to foreign companies. Home companies afford employment to many persons at their principal offices in the State, and such employes increase the population and trade of the towns in which they reside. Moreover, the capital accumulated by home companies remains in the State and bears its part of the burden of the support of the government, while that paid to non-resident companies does not.

In 1864, a general law was approved authorizing the organization of savings banks as corporations. Prior to that time a general law had been passed for the organization of incorporated fund companies. These two acts were subsequently consolidated and, with certain amendments, constitute Article VII, Revised Statutes of 1889, entitled "Savings Bank and Fund Companies."

There are now in Missouri 482 incorporated banks whose charters were obtained under the laws of this State, engaged in the banking business. The greater part of the banking business is transacted through these State institutions. There are fifty-five National banks obtaining their charters under the National banking laws, most of which are safe and strong institutions.

In 1885, the Legislature passed a general law, authorizing any three or more persons to obtain articles of incorporation for the purpose of conducting the business of a trust company. Prior to the passage of this act there were no incorporated trust companies organized under the laws of Missouri, but since its passage twenty-six such companies have been organized. The purposes of these companies are comprehensive. Their usefulness unquestionable. The statute enumerates nine classes of powers vested in such corporations, and from the extent of business entrusted to them and their rapid growth, it seems remarkable that a statute for their organization was not passed several decades ago. One of their beneficial functions is to furnish bonds for executors and administrators, assignees, receivers, etc.; also bonds required to be given by litigants. This object alone has proved remunerative to such companies, beneficial to those required to give such bonds, and a protection to individuals who would have been solicited to become sureties on such bonds in the absence of such companies.

In 1887, a general law was approved for the organization of mutual savings societies. Few have availed themselves of the provisions of this law, since trust companies are empowered to perform substantially the functions which such societies could perform if organized.

Space will not permit the tracing of judicial construction placed by the Supreme Court upon the statutes and Constitutional restrictions affecting corporations. The Court's interpretation of these has always been just and able. No favoritism for or against corporations is to be found in the reported cases.

Missouri as a State stands fifth in population, and no State possesses higher commercial credit and stability, or resources which tend to make it great. Its wise legislation affecting the organization of corporations, and its just treatment of them when formed, has induced much capital to be invested in corporate enterprises in the State. There is no kind of mining, manufacturing, mercantile, transportation, trust or indemnity business, in which there is not millions of dollars invested in corporations carrying on such kinds of business. Many corporations have become immense in their operations, employing hundreds and even thousands of men. Through enterprises largely carried on by corporations, the State has been developed and placed where it stands to-day, as one of the brightest and happiest, most prosperous and hopeful in the sisterhood of States.

St. Louis, Mo.,
January, 1898.

DEVELOPMENT OF THE MISSOURI LAW OF ADMINISTRATION.

BY J. G. WOERNER.

THERE is a class of courts whose functions differ from the ordinary functions of courts in adjudicating between the litigants before them on questions of collision with the law. While these accomplish justice by returning to the doer the legitimate result of his deed, whether in reparation or punishment of Wrong, or in the protection and realization of Right, the former (probate, testamentary or orphans' courts) are organized to regulate and direct the administration of the estates of those who are incompetent, by reason of death, infancy or unsoundness of mind, to manage them themselves.

The devolution of the property of deceased persons has at all times, at least among civilized nations, been regulated by custom or law. In all of them probably, even in the earlier stages of society, inheritance by the children was sanctioned, and the right to dispose of property by last will or testament recognized in a testator who left no children. But a limit was put on the indulgence of passion, caprice or prejudice of a testator who preferred strangers to his own children in disposing of his estate. Solon allowed wills only if the testator had no children. Justinian declared wills void, unless one-fourth, or if he left four or more children, one-third of the estate was left to his children. So under the French Law, as embodied in the Code of Napoleon, as well as in most of the European Continental States, the testator leaving neither children nor parents may dispose of his entire estate at his pleasure; but if the testator attempt to disinherit his children, he must allege one of the reasons mentioned in the Code for doing so, the truth of which may be traversed by the disinherited child, and if the allegation be found untrue the will is void. The English Common Law also, at least the Norman custom, required a testator who left wife and children, to leave one-third to the widow and one-third to the children,—the so-called *partes rationabiles;* if he left a wife and no children, or child and no wife, he might dispose of one-half of his estate. By the English Statute of Distributions the succession of personal property was regulated much as it is by our own Statute of Descents and Distributions, giving to the widow, however, one-third, while in Missouri she is entitled to a child's part after payment of debts, or if there be no child, one-half of the personalty.

The tenure of real estate was, in England, governed by feudal principles, according to which the King was the universal lord and original proprietor of all lands in the kingdom, who granted out their use on condition of certain services to be performed, so that, at common law, which took form and growth under the influences of the feudal system in all its vigor, there was no ownership, and therefore no inheritance, of real estate. Whatever rights of ownership are now enjoyed by English landholders have been granted by acts of Parliament in derogation of the common law. Under it, feudal grants could not be taken for debts of the tenants; and on the death of the latter they reverted to the lord, so that lands neither descended nor constituted assets for the payment of debts; hence the personal representa-

tive had no interest in them. But in the course of time feuds became hereditary, and the unconditional descent of lands from the ancestor to the heir was secured by the statute of 12 Car. II, Chap. 24, "which," Blackstone says, "was a greater acquisition to the civil property of the Kingdom, than even Magna Charta itself;" and the law gave recognition to the rights of creditors in a series of statutes culminating in 3 and 4 William IV, Chap. 104.

As to the succession of personalty under wills, the Church at an early time claimed probate jurisdiction. This practice was probably favored (says Bradford, I Bradford Rep. Intr., Note XII) by the sanction given by the Civil Law to the intervention of the Bishop to compel the execution of a will, where there were legacies *in pios usus*. The Canon Law went a step further, and intrusted the general care of the execution of testaments to the Bishop. In those times, under a law of King Alfred, recognized in the laws of King Edgar and Canute, the cognizance of testaments was directed to be had before the King and the Bishop, the King being represented in the Civil Courts by the Civil Magistrates, where the Bishop or other ecclesiastic also had a seat, both secular and ecclesiastical causes being decided in the County Courts and Hundred Courts, until, in the eighteenth year of William the Conqueror, the secular was separated from the ecclesiastical jurisdiction.

The jurisdiction in matters of probate was plausibly claimed by the Bishop as being in harmony with the customs of the Normans, as well as the civil and canon law, which, as above mentioned, gave to Bishops the charge of the execution of testaments containing bequests *in pios usus*.

But intestate estates were anciently seized by the King, and administered through his ministers of justice in the civil courts; and the prerogative of such administration was granted as a franchise to many lords of manors and others, who continued to hold by prescription, the right to grant administration to their intestate tenants and suitors in their courts baron for many centuries, and until the passage of the Probate Act, in the twentieth and twenty-first year of Queen Victoria (1858.) The jurisdiction not so granted out was claimed by, and in course of time vested in favor of, the Church, in prelates, such as Bishop or Ordinary (Judex Ordinarius), or other clerical dignitaries. Thus it is said that prior to the year 1858 there were 372 courts having testamentary jurisdiction in England, classed as follows: Provincial and Diocesan Courts, 36; Courts of Bishop's Commissaries, 14; Archidiaconal Courts, 37; Royal Peculiar, 11; Archiepiscopal and Episcopal, 14; Decanal, Sub-decanal, etc., 44; Prebendal, 88; Rectorial and Vicarial, 63; other Peculiars, 17; Courts of Lords of Manors, 48 = 372.

In this way the Church obtained supervision of the distribution, or administration, of the personal estates of intestates, which the ordinary might seize and keep, give, alien or sell at will, and dispose of the money *in pios usus*. "So that," says Blackstone, "properly the whole interest and power which were granted to the ordinary were only those of being the King's almoners within the diocese, in trust to distribute the intestate's goods in charity to the poor, or in such superstitious uses as the mistaken zeal of the times denominated pious." (2 Blackstone 494, 495.)

The abuse, to which this unlimited authority of the prelates led (for they were accountable only to God and themselves for their conduct; which, says Blackstone, "was a great defect in the common law"), gave rise to the statute of Westminster II (13 Edw. I, Chap. 19) directing the ordinary to pay the intestate's debts so far as his goods will extend. But even this check to the exorbitant power of the clergy, whereby the ordinary was made liable to creditors, left the residuum after payment of the debts still in their hands to be

applied to whatever their conscience should approve. It was the flagrant abuse of this power that again called for legislative interposition, and by the statute of 31 Edw. III., Chap. 11, the estates of deceased persons were directed to be administered by the next of kin of the deceased, if he left no will, and not by the ordinary or his dependants. This statute originated the system of confiding the settlement of intestates' estates by the next of blood of the decedent, to be appointed by the ordinary, and putting the administrators, with respect to suits and accounting, upon the same footing with executors and making them officers of the ordinary.

This was the condition of the English law on the subject of administering the estates of deceased persons at the time of the settlement of Jamestown, in Virginia (4 James I), and which was, by the adoption of the common law of England, adopted as the law of Missouri by the Territorial government, January 19, 1816. But in America there never had been ecclesiastical courts with secular jurisdiction, and prerogative and prescriptive rights had been swept away by the republican spirit of the people. Hence it was incumbent upon the law making power, either by the constitutions or statutes, to create tribunals with functions and powers commensurate with the office to be performed by them. These were modeled after the English ecclesiastical courts and in some States bear the names given such tribunals in their mother country, such as "Courts of Ordinary," "Prerogative Courts," etc. In the territory constituting the present State of Missouri, when it still bore the name of the District of Louisiana, by an act of the Governor and Judges of Indiana Territory, empowered by Congress to make laws for the District of Louisiana, a Court of Probate for each District (St. Charles, St. Louis, Ste. Genevieve, Cape Girardeau and New Madrid are named in the statute) was established in 1804, with power in the Judge to take proof of last wills, to grant letters of administration, and "to do and perform every matter and thing that doth, or by law may, appertain to the probate office, *excepting the rendering definite sentence and final decree;*" and in all cases where it was necessary to render a final decree upon a point contested, the Judge was to call to his assistance two of the Justices of the Court of Common Pleas, who together with the Judge was to constitute the Court of Probate, and giving an appeal to the General Court of the district.

In 1807, when the name of the District of Louisiana had been changed to that of the Territory of Missouri, another act was passed, entitled "An act directing the probate of wills, and the descent of intestate's real estate, and the distribution of their personal estates." This act omits the inhibitions contained in the act of 1804 against the Judge's power to render definite sentence and final settlement, and also the provisions requiring the Judge to call to his assistance two Justices of the Court of Common Pleas. It also embodies the regulations concerning wills, descents and distribution, and the law of administration.

By a separate act of the same date, the Judges of the Court of Common Pleas are authorized and directed to hold a court of record in each district, styled "The Orphan's Court," with jurisdiction over all persons who as guardians, trustees, tutors, executors or administrators, or otherwise, shall be entrusted with or accountable for any property belonging to any orphan or person under age. Both of these acts were expressly repealed by the act of the General Assembly of the Territory of Missouri, dated January 21, 1815.

The last mentioned act imposes the duties of Probate Court on the Circuit Courts of the several counties, empowering them in term time, or the Clerk in vacation subject to the confirmation or rejection of said Court, to take proof of last wills and to grant letters testa-

mentary and of administration, and to do and perform every matter or thing enjoined on said Court by law. This act also embodies the provisions concerning wills and their probate, descent and distribution, dower and the administration of estates, including the method of proving and obtaining payment of the debts of deceased persons.

An act amendatory of the above was approved January 20, 1816, providing for the manner of recording letters testamentary and of administration, the taking of administrators' and executors' bonds, the appointment of guardians to minors, and making some changes in the details of proving debts against estates of deceased persons and giving of bonds by widows, on their application for receiving their dower, and of legatees or distributees before receiving their shares, the duties of executors or administrators in selling lands, etc. This act was likewise repealed.

A further amendment, approved October 25, 1820, authorizes Circuit Courts to order the sale of lands necessary to pay debts; and one approved January 11, 1822, provided for the descent of real estate and the distribution of personal estate in cases of intestacy, the law of descendants taking by representation, the law of advancement, etc.

The Territory of Missouri was definitely admitted as a State into the Union in 1821. On the 12th of January, 1822, the General Assembly passed an act investing the several County Courts of the State with probate jurisdiction to the extent of granting letters testamentary and of administration, taking bonds from administrators and executors, requiring them to file inventories of all real and personal estate of the deceased and causing the slaves and other personal property to be appraised, directing the sale of lands if the personalty of the deceased was insufficient to pay his debts, and decreeing specific performance of contracts of sale of real estate made by decedents; settling and auditing the accounts of executors and administrators, and ordering the payment of his debts, the payment of legacies and distributive shares to the distributees.

In 1825 the Legislature provided for a general revision of all the statutes, directing what laws the revision was to retain, and providing for a repeal of all laws of a public, general and permanent nature not so required to be embodied in the revision. It contains the following acts: "An Act concerning Executors and Administrators," "Descents and Distributions," "Aliens," "Dower," "Escheat," "Guardian and Ward," "Idiots and Lunatics," "Courts" (§ 5 creating Probate Courts) and "Wills and Testaments." These acts constitute a very able and thorough codification of the system of dealing with the estates of deceased persons, and of minors and persons of unsound mind, typical of the American consciousness on the subject and taking high rank among the codes of various States for the simplicity, perspicuity and wisdom of its provisions. It was said by a late illustrious member of the St. Louis bar, in commenting on the difficulties with which the codifiers of 1825 had to deal, that "to any but 'deacons of their craft' this mass would have appeared a chaos, and a chaos it would have remained. How the men of 1825 dealt with it, how it was reduced to order, how it was blended into one harmonious whole, how excrescences were pruned away, and contradictions avoided, can only be learned by a careful study of their work." (Address by the Hon. Thomas T. Gantt, before the Law Library Association of St. Louis, December 7, 1885, on the presentation of the portrait of Henry Sheffie Geyer). The original draft of the "Act Concerning Executors and Administrators" is said to have emanated from the pen of Henry S. Geyer.

The spirit peculiar to legislators of free countries (not least to American legislators), to impress their subjective views upon the statute books, has not spared the code which Mr.

Gantt lauded as an "inestimable possession for Missouri." The administration code has been refined upon and loaded down with multitudinous and heterogeneous amendments, to which every session of the Legislature has diligently contributed, not always in the spirit of the original act, nor conducive to perspicuity and efficiency of its detail, so that a re-codification in the spirit of the codifiers of 1825 would prove a blessing to the courts, the bar and the public.

Not but that many highly salutary provisions have been added to, and wise changes made in, the original enactment. Among these may be mentioned the reduction of the enforced length of the period of administration from three to two years (a further reduction from two years to one seems desirable, and feasible in view of the greatly increased facilities of communication and travel); the power to dispense with administration altogether of estates not exceeding in value the amount secured to the widow or to minor children of the deceased under sixteen years of age; the increase in the amount of estate secured to the widow absolutely, which has been augmented from $150 in 1825, to $400, plus a sufficient appropriation by the court to procure the means of subsistence of the widow and minor children for one year (usually from $150 to $600 or more), as well as furniture not exceeding $500, and books not exceeding $200 in value; the change in the matter of compensation of the Judge of Probate in cities of 300,000 or more inhabitants, from the system of fees to a fixed salary, and the election of the Probate Clerk by the people instead of appointment by the Court. Other changes have been engrafted on the law of administration, some wise and of undoubted benefit to the people, others of questionable wisdom. Whether the amendment of the law, giving to a widower the same absolute interest in the separate property of his deceased wife as a widow has in that of her husband, is wise or otherwise, will probably be judged differently by different persons.

A feature distinguishing the American from the English system of administration, namely, the jurisdiction vested in Probate Courts over the settling up of the estates of partnerships dissolved by the death of one of its members, has been carried to greater extent in Missouri than in any other State in the Union. It furnishes a striking instance of the increasing confidence in the efficiency of Probate Courts, and of the tendency of legislation in America to enlarge the scope of their powers and jurisdiction. The first legislative enactment subjecting surviving partners to the jurisdiction of Probate Courts is met with in the Revised Statutes of 1845, incorporating therein the substance of the Maine statute, with change of phraseology only, the substantial requirement of which being the bond of the surviving partner for the faithful application of the partnership effects to the payment of its debts and the division of the residue between the survivor and the estate of the deceased partner.

By successive amendments the jurisdiction was increased until, by the Revised Statute of 1879, the winding up of a partnership estate was required to conform in all respects to the administration of the estates of deceased individuals, so far as applicable. The development of the system did not proceed without friction between the legislative and the judicial branch of the State government. The right of a surviving partner to prefer creditors, as at common law, was negatived by the Probate Court, in analogy with the system of pro rata payment required of administrators where the assets are insufficient to pay the debts in full, but stoutly vindicated by the Court of Appeals and Supreme Court, until the Legislature, in express terms, required surviving partners to pay all debts pro rata. So the Courts asserted the rights of non-resident surviving partners to wind up the partnership estates in

Missouri; while the Legislature confined such power to residents of the State. Whether the stringency of the provisions touching the settlement of partnership estates in the Probate Courts is beneficial in its results, is susceptible of argument on both sides. There is certainly great objection to this law in commercial circles.

The Constitution of 1875 provided for the establishment, by the General Assembly, of Probate Courts in each of the several counties, requiring them to be "uniform in their organization, jurisdiction, duties and practice." Before that time, the general statutes vested probate jurisdiction in the several County Courts (after the revision of 1835.) But under the system of special legislation which was in vogue in Missouri previous to its inhibition by the Constitution of 1865, and more emphatically by that of 1875, independent Probate Courts were created by special acts in many, perhaps a majority, of the counties, producing a general system of courts, valid only in half or less of the counties, while the Courts having probate jurisdiction in other counties operated each under a law particular to itself. This anomaly was done away with by the act creating Probate Courts under the Constitutional provisions of 1875 (Now Art. 4 of Chap. 46 Rev. St. 1889.)

A change is also noticeable in reference to the distributive share of a widow in her husband's estate. This provision was omitted from the statute of Descents and Distributions in 1825 and has remained so until this day; her share in the personal estate, after the absolute allowance, being given by the Statute of Dower. But in 1825 she was entitled to "one full and equal third part" of the real estate and slaves for life, and one equal third part of the other personalty absolutely as her dower, while at this present time she gets a child's share of the personalty absolutely; and one-half if there be no child.

The superiority of the Missouri system of administration over the English system (before the Probate Court Act in 1858), is thus described by Judge Wagner, in the case of Pearce vs. Calhoun, 59 Mo., 271, 274: "In the recent case of Tetterington vs. Hooker (58 Mo., 593), the opinion was expressed that the simple yet effective provisions of our administration law, whereby the whole estate of a deceased, both real and personal, is subjected to the payment of his debts, were designed to supersede the cumbrous machinery of the common law, and afford an ample and complete remedy in themselves. Our Probate Courts were established with extensive powers and jurisdictions, for the purpose of doing everything necessary to the full and final administration of an estate. Both real and personal property are under their control for the payment of debts. They possess about the same powers formerly exercised in England by the Ecclesiastical and Chancery Courts. They are authorized to collect the assets of the deceased, to allow claims, to direct their payment, and to subject the realty to sale where there is a deficiency of personal property to satisfy creditors, and to make distribution to the parties entitled thereto, and, in general, to do everything essential to the final settlement of the affairs of the deceased, and the claims of creditors against the estate."

I may be allowed to close these remarks with a quotation from my work on "The American Law of Administration," § 384, having reference to that most important function of the administration law, which treats of the payment of debts of the deceased:

"It appears from the foregoing brief sketch of the common law applicable to the payment of debts of deceased persons, that executors and administrators are thereby burdened with a grave responsibility, calling for close watchfulness and the exercise of enlightened judgment upon nice and often doubtful points arising upon demands or suits by creditors.

A mistake as to the proper plea to be made, or the line of defence to be adopted, or whether defence ought to be made at all, may be fraught with mischievous results, not only in the shape of costs and counsel fees, but entailing personal liability, even though there be no assets, or assets not sufficient, to meet the judgment rendered. It has also been remarked, that the highly artificial and perplexing system of the common law has been supplanted in most States by statutory regulations, promoting by their simplicity and directness the safe, speedy and inexpensive settlement of estates, particularly in the matter of paying debts. The power conferred upon Probate Courts, in many States, to apportion among creditors the assets of the estate, after a sufficient period has elapsed to enable them to establish their claims, and barring them from further proceeding against the executor or administrator subsequently thereto, simply and efficiently secures creditors, heirs and distributees, and executors and administrators in their rights, doing away with the abstruse theory of pleading, and enabling the several issues that may arise in respect of the liability of the deceased, as well as of that of the personal representative, to be tried separately. Persons of ordinary intelligence and business capacity will generally find but little difficulty in complying with the duties imposed by law upon executors and administrators; and if confronted with questions which they are not able readily to decide, touching the rights of creditors, or the course of their own duty, they should avail themselves of professional advice, at once to protect themselves and their bondsmen, and to secure the rights of creditors and distributees according to law. The compensation to counsel and practitioners in probate matters, for advice and services which may be necessary in the course of administration, is payable out of the estate or fund to be protected; and while most estates may be administered by competent business men without professional assistance, yet it would be wrong for any person to dispense with such assistance in any matter or question concerning which he is not perfectly sure of the requirement of the law. Instances, not rare, of loss and financial ruin to executors and administrators, to their sureties, and to the creditors and distributees of the estate, attest the folly of parsimonious executors and administrators in saving counsel fees to the estates under their charge.''

St. Louis, Mo.,
November, 1897.

ST. LOUIS COURT OF APPEALS.

BY HENRY W. BOND.

COURTS constitute one of the three primary and co-ordinate divisions of political power. It is so ordained by the people—the source of all government—in the exercise of their natural right to appoint agencies for making, expounding and executing such laws as are designed to promote the good of all. A court is defined to be "a place where justice is administered." To this definition Sir William Blackstone adds, "the King is there in the person of his Judges, whose power is an emanation of the royal prerogative." This venerable fiction as to the origin of judicial authority has no counterpart under our institutions. American Judges derive all their power and authority from the limitations of the Law, and acknowledge no higher source.

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The Constitution of 1875 created the St. Louis Court of Appeals as one of the depositaries of the judicial power of the State of Missouri. At that time the territorial jurisdiction of this Court was confined to the city of St. Louis and the counties of St. Louis, St. Charles, Lincoln and Warren. It was empowered to issue writs of habeas corpus, quo warranto, mandamus, certiorari, and other original remedial writs, and to hear and determine the same. It was vested with superintending control over all inferior courts of record in said district. Its decisions upon appeals and writs of error were final in all cases except "where the amount in dispute, exclusive of cost, exceeded the sum of twenty-five hundred dollars; in cases involving the construction of the Constitution of the United States or of this State; in cases where the validity of a treaty or a statute of, or authority exercised under the United States is drawn in question; in cases involving the construction of the revenue laws of this State, or the title to any office under this State; in cases involving the title to real estate; in cases where a county or other political subordinate officer of the State or any State officer is a party; and in all cases of felony."

In the foregoing excepted cases, appeals could be taken from the St. Louis Court of Appeals to the Supreme Court of the State. As thus constituted the St. Louis Court of Appeals was one of last resort in certain matters and of intermediate appeal in all others. The obvious purpose of its establishment was to relieve the over-crowded docket of the Supreme Court and to secure a speedier dispatch of the business of suitors. It was found in practice that these objects were not subserved, in so far as the constitution of this court permitted appeals and writs of error to be taken from its decisions to the Supreme Court, for in most of these cases the defeated party took advantage of the right of further appeal and thus postponed the ultimate decision of the controversy, by so much time as had been consumed in its appeal and hearing in the intermediate court. It was also experienced that the territorial jurisdiction of the St. Louis Court of Appeals was too limited to afford substantial relief to the Supreme Court by taking from its consideration that class of cases within the power of final disposition accorded to the St. Louis Court of Appeals by the

organic act. To remedy these evils a Constitutional amendment was adopted in 1884, which increased the territorial jurisdiction of the St. Louis Court of Appeals by making it co-extensive with half of the State, allotting the remainder to the Kansas City Court of Appeals, vested with a similar jurisdiction, and created by the same act. The amendment also made the Courts of Appeal, courts of last resort in all cases, by depriving them of any appellate jurisdiction of those causes or proceedings from which an appeal might have been taken to the Supreme Court from the decision of the St. Louis Court of Appeals prior to the adoption of the amendment. In order to secure harmony and uniformity in the decisions of the three courts, the amendment further provided, to-wit: "When any one of said Courts of Appeals shall in any cause or proceeding render a decision which any one of the Judges therein sitting shall deem contrary to any previous decision of any one of said Courts of Appeals, or of the Supreme Court, the said Court of Appeals must, of its own motion, pending the same term and not afterward, certify and transfer said cause or proceeding and the original transcript therein to the Supreme Court, and thereupon the Supreme Court must re-hear and determine said cause or proceeding, as in case of jurisdiction obtained by ordinary appellate process; and the last previous ruling of the Supreme Court on any question of law or equity shall, in all cases, be controlling authority in said Courts of Appeals."

Between the date of its organization, January 1, 1876, and the above amendment, the St. Louis Court of Appeals delivered the opinions contained in the first sixteen volumes of the books now termed, by the act of the Legislature, "Missouri Appeal Reports." These contain its rulings upon the whole domain of the law, civil and criminal, irrespective of the amounts involved, or the nature of the questions presented, for during that period, as has been seen, its appellate jurisdiction, though final as to certain matters, and provisional as to the remainder, extended in the first instance to all causes determined in the Circuit Courts of a defined territory. These decisions have been received with unstinted commendation by the bench, the bar, and the text writers. Their merit grew out of the ability, learning and fidelity of the Judges who occupied the bench of that Court during this era.

The first appointees made under the power vested in the Governor when the court was established, were T. T. Gantt, R. A. Bakewell and E. A. Lewis. These gentlemen occupied a plane of primacy at the bar, and their selection was amply justified by their admirable performance of the multiform duties imposed by the organization of the court. The next change in the personnel of the bench was made by the substitution of Charles S. Hayden for Judge Gantt, which took place at the election held to fill the vacancies caused by the expiration of the term of the appointees of the Governor. In casting lots for the terms four, eight and twelve years, for which that election was held, Judge Hayden drew the short term. He was succeeded in 1880 by Seymour D. Thompson. Judge Bakewell, who drew the term of eight years, was succeeded in 1884 by Roderick E. Rombauer. No other changes took place until the resignation of E. A. Lewis, owing to failing health. This occasioned the appointment of Charles E. Peers for a term beginning March 12, 1888, and ending January 1, 1889, when he was succeeded by W. H. Biggs, of Pike County, at the first election held after the adoption of the Constitutional amendment. In 1892 at the conclusion of Judge Thompson's term, Henry W. Bond, of St. Louis, was elected. In 1896 Charles C. Bland, of Phelps County, was elected, and having the oldest license to practice law, is the Presiding Judge, under a provision to that effect in the Constitution of the State.

The second epoch in the history of the Court begins with the adoption of the Constitutional amendment of 1884. From that date until the present time the labors of the two Courts of Appeals have added fifty-one to the sixteen previous volumes of Reports, making a total of sixty-seven at this writing. Of the Judges of this Court who have shared in this result, it is most befitting to say that their meed of praise is best expressed in their respective opinions; for after all, these are the supreme test of judicial worth. Neither commendation or criticism can exalt or lower the reputation of a judicial officer, unless justified by his utterances from the bench. If these are marked by learning and impartiality, they will merit and receive the applause of all lovers of legal science. If they fail in either respect, neither compliment or flattery can restore the confidence of a discriminating profession. For Judges, the highest terms of honor should be couched in impersonal language, and must be measured solely by the excellence of judicial workmanship. Of all men they are the surest architects of their own fortunes; for while Chance or Circumstance may prosper others, neither of these can give that knowledge and sense of justice which are the basic principles of judicial renown. Leaving the fame of the Judges of the St. Louis Court of Appeals to rest upon the monuments erected by themselves and without more particular mention of their several mental characteristics and qualifications, let us turn to a brief mention of the extent and variety of their labors.

According to a report made to me by the Clerk of this Court, the number of cases appealed to it during the last judicial year (March 27, 1896–March 27, 1897), was 308. According to a similar report made by the Clerk of the Supreme Court, the number of appeals and writs of error to that court for the same time and from the same territory was 211. Assuming that the same proportion obtains in the territory allotted to the Kansas City Court of Appeals, we have as a result 616 cases brought to the two Courts of Appeals for review from the State at large, and 422 cases brought to the Supreme Court. When it is remembered that the St. Louis Court of Appeals invariably disposes of all cases on its docket prior to the adjournment for the summer vacations, it will doubtless be conceded that this showing presents a record for industry beyond just criticism, and that it also proves that the Supreme Court is relieved from the consideration of a large majority of the entire appeals and writs of error from a common territory, thus effecting the purpose had in view by the Constitutional amendment when it allotted the two Courts of Appeals the final decision of so large a proportion of the litigation of the State.

The extent of the subjects of review in the Courts of Appeals, while limited as to amount and exclusive of certain questions, is yet sufficiently broad to embrace some of the most interesting and important departments of the law. They include, among others, the doctrines of the law merchant in the widest sense; the law of contracts (not involving title to real estate); the law of corporate powers, franchises and duty; the law of insurance; rights arising from personal relations and springing from torts, negligence and other actions sounding in damage; the application of equitable rights and remedies; the entire code of pleading and practicing and statutory construction, and many others. The bearing of a correct solution of these diverse questions on human life and affairs cannot be over-stated. Covering, as they do, the bulk of the transactions of ordinary business, the litigation arising out of them becomes a matter of prime concern to the people, and the promptitude with which this court has rendered its judgments has been no mean factor in the public respect and esteem which its labors have won. Confidence in the judiciary is one of the safeguards of that government of laws which has come as a part of our priceless heritage of

freedom. This sentiment is deeply rooted in the mind and character of the American people. That it has survived the strain and difficulty of War and Party and is universally avowed to-day, is conclusive evidence that the men who sat in judgment in our courts have unflinchingly met the duty to judge with wisdom and righteousness and to measure their decrees by the "golden metewand of the law."

St. Louis, Mo.,
January, 1898.

ST. LOUIS LAW SCHOOL.

BY CHARLES NAGEL.

THE criticism has often been made that the legal profession is primarily responsible for the confessedly unsatisfactory condition of the law; and more especially for such shortcomings as must be admitted to exist in its administration.

As to the former, the exaggeration, if not the entire fallacy of the charge, is manifest. For many years the strongest men in the profession have been active to simplify and to harmonize the laws of our country upon subjects which ought to admit of final legislative expression and definition. The fact that these efforts, even upon so simple and well understood subjects as promissory notes, etc., have met with almost universal discouragement at the hands of State Legislatures, is surprising, but not more so than the further fact that the profession, far from being discouraged, is still intent upon its purpose. Superficially speaking, no one could so well afford to permit the science to rest in confusion. Uncertainty and doubt make occasion for interpretation and advice, and the one obvious result of these, is employment for the lawyer. But considering the problem more seriously, the professional man must appreciate, if anything more clearly than the layman, the pressing necessity for a more uniform and harmonious system of law. While in one sense it may be important to have each State develop upon its own lines in reference to all new and unsettled questions and problems, it is at least equally true that the great diversity of statutes upon subjects of comparative unimportance and simplicity, involves an altogether unnecessary if not intolerable burden and expense to its citizens. Quick to see this, the lawyer has probably also recognized in this needless and thoughtless conflict between State Legislatures, a dangerous incentive for the Federal Congress to assume to itself a larger authority for the regulation of general commercial interests. There can be no doubt that the failure of State Executives to enforce State laws for the protection of person and property, has been the most potent invitation for the interference of Federal authority. And it is not impossible that the unwillingness or inability of State Legislatures to come to a voluntary understanding upon subjects of common interest may, not unlike the failure of State Executives to afford protection, serve to pave the way for the very assumption of Federal authority, which the States profess to have been most zealous to prevent. Whoever else may doubt the existence of this tendency, the thoughtful lawyer certainly does not; and whatever the accusations in the future, he may say for himself that he has earnestly sought to stem the tide.

Unfaltering as has been the lawyer's course in recommending and urging the improvement and correction of general legislation in this respect, it may be doubted whether as much can be said for him, as an active legislator. Much of the criticism of the profession is based upon the circumstance that so large a proportion of our legislative bodies is composed of members of the bar. Perhaps no complete answer is to be made to this attack;

but a fairly good defense for the profession may be found in an analysis of the work of those modern legislative assemblies from which the lawyer's advice has been more especially excluded. Even here the conclusion should probably be, that as the study of the law may be attributed to a more or less conscious or direct interest in broad questions of human right and wrong, so generally speaking, the desire to participate actively in the framing of laws may find its excuse in many instances in just as laudable a motive. And if the lawyer occupies higher ground as a general adviser than as a representative in the cause of wholesome legislation, the explanation is probably to be found in a universal political condition which is calculated to exclude from active participation those who ought by experience and training to be best qualified to serve; and the solution of which condition really belongs to all citizens alike.

But if the defense be to this extent conceded, there will be the stronger insistence upon the second charge, that the lawyer is responsible for the many shortcomings in the immediate administration of justice. No doubt there is fairness in looking to every profession and occupation for the development and reputation of its particular calling. Perhaps it is true that the profession of the law is not held accountable for a disproportionate share of responsibility; and perhaps it is also true that this profession is not, relatively speaking, responding to its proportion of social obligation. Such questions are not easy to discuss, and are more difficult to determine. But without undertaking to do either, the following suggestions may be made in behalf of the profession.

The administration of justice is much more closely associated with the management of general political affairs, than is the pursuit of most other professions. The constant interference of foreign forces is calculated to make the problem much more difficult, and must to that extent relieve the burden of sole responsibility. It is as easy for lawyers, as it is for doctors or other scientists, with reasonable certainty and unanimity to designate their recognized leaders. It is quite another thing for lawyers to have placed upon the bench the men who in their minds are best fitted for such distinction. And yet with the Judge rests in the largest measure the proper administration of justice. It is only fair, therefore, to say that to this extent the lawyer, at most, divides responsibility with all other citizens; for in many localities he is glad enough if his recommendation does not excite a prejudice against his choice. The only profession whose experience in its relation to and dependance upon general political conditions can be at all likened to his, is that of the teacher in the public schools, who will scarcely claim to have met with better success.

It would not seem an unfair conclusion, therefore, to say that really the one special and distinct responsibility of the lawyer to society begins and ends with his education and conduct as an active member of the bar. It would serve no purpose to discuss how far, compared to other professions and callings, he has met his obligation. It will be readily conceded on all sides that the general training of the profession is very far from what it ought to be. This much will be admitted by the best as well as the least equipped. The practical question now is, not so much what has been done, but what is being done to improve the existing situation. Men of genius have at all times and under all conditions found the ways and means for training and education, if not culture. Hamilton without the aid of schooling in the modern sense became a great financier, a distinguished lawyer, and a famous statesman. Marshall might not have been as well equipped to successfully grapple with the all-important problems in the development of our Constitutional history, had his training been exclusively that of the school. Similar things might be said of many



FACULTY ST. LOUIS LAW SCHOOL.

of the truly great figures in our history, and yet it is accepted now that common justice to the individual as well as the interest of the State at large, make the opportunity for thorough schooling essential. The aim is to make the competition with transcendant ability and genius more easy, and to establish the equality of opportunity as far as may be. Broadly speaking, the best that can be said of a large part of the past in respect to the lawyer, is that he at all times was ready to extend to the willing student every advantage that experience and training in an office could afford. The successful lawyer was always as generous in offering every facility to the young aspirant, as he was awkward in availing himself of such help and labor as the beginner might have been able and was always willing to give in return. In this the lack of thorough training manifested itself in the work of the leaders themselves; and convincing proof was thus furnished that the entire system stood in need of something better than had been enjoyed.

This led to the regular school, now firmly established in all parts of our country. Remembering the necessarily severe rule that every one is supposed to know the law, it must be matter of wonder that the State has generally done so little to enable the citizen to comply with its mandate; or at least to equip those to whom the citizen must be expected to look for counsel. But here as elsewhere the apparent shortcomings of the State have been supplied, or the efforts of the State have at least been supplemented, by the ready efforts of voluntary contributors. The law schools under strict State protection must be regarded with the highest appreciation. It should be enjoined upon every Missouri legislator to serve the cause of law and order and of justice by voting generous appropriations to our own State Law School at Columbia. Still it must be said that the schools of greatest influence in this country are under private control. And it may be added with equal confidence that in all schools depending upon private aid the practicing lawyer has been found among the active and substantial supporters. Nowhere has this been more true than with reference to the St. Louis Law School. Up to the close of the Civil War, the system of legal education, if it is to be designated by that term, in the city of St. Louis, was of the very primitive character heretofore described. About that time the necessity for more perfect means of training was recognized. While the first impulse was given by a distinguished man not connected with the law, but whose aim it always was to close the chasm between law and ethics, an examination of the records will show that the leaders of the bar of St. Louis, and other eminent jurists whose interests were closely identified with that city, promptly took up the suggestion and carried it to a successful realization.

ST. LOUIS LAW SCHOOL.

In 1867, Rev. William G. Eliot was President of Washington University, of St. Louis. He was a man who by reason of his interest in matters educational and religious, justly ranked as one of the first citizens of the State. Perhaps no avenue had afforded greater opportunity for his activity than the university for which he labored incessantly, constantly broadening its general sphere, and striving to encourage and to inspire its instructors. The university itself offered fine opportunity for this work. Actuated by a liberal and wise judgment, the Legislature of the State had as early as February 22, 1853, given it a valuable charter, which has secured much in return and which promises to accomplish vastly more in the future. Always interested in the great purpose of the law, and recognizing its vital importance to the community, Dr. Eliot was the first to advance the plan of organizing a Law Department. The plan was promptly taken up by the Board of Directors and was en-

thusiastically promoted by them and by other gentlemen who became associated with the work. Among those present at the first meeting we find the names of James H. Lucas, Samuel Treat, John M. Krum, James E. Yeatman, John How, and Henry Hitchcock, and it is noteworthy that this meeting was held at the office of Judge Samuel Treat, at that time the eminent United States District Judge at St. Louis. The very first report upon the subject of organization made by John M. Krum, shows that from the start the fundamental idea of the school, which still prevails, was advocated and adopted. It was determined then that the faculty should in the main consist of active practitioners; and that students before receiving degrees should be subjected to an independent examination by an Advisory and Examining Board to consist of active members of the bar. The same report discloses the important and gratifying fact that all those who had been selected for different positions in connection with the proposed work cheerfully agreed to serve. The full significance of this statement can be appreciated only when it is remembered that the proposed Law School practically excluded the idea of compensation for members of the faculty or the Advisory Board. In this respect the school has never resembled those institutions organized under our dangerously liberal State statutes, in which it would be difficult to say whether the commercial or the educational features are intended to predominate. While the Dean, who is now compelled to give his entire time, necessarily receives a fixed compensation, and while a few of the regular professors are at least measurably compensated, the other members of the faculty give their services either without material return, or for purely nominal amounts. The spirit which gave rise to the school, may therefore be said to animate it still in all its work.

The first faculty consisted of the following members of the bar, among whom the work was asigned as follows: Hon. Samuel Treat: International, Constitutional, Admiralty and Maritime Law; the Jurisdiction, Practice and Proceedings in United States Courts. Judge Treat appointed as Assistant Professor Alexander Martin, now the honored Dean of the Law Department of the State University.

Hon. Nathaniel Holmes: History and Science of Law; Equity Jurisprudence, Pleadings and Practice.

Hon. Albert Todd: The Law of Real Property and Successions.

Hon. John D. S. Dryden: The Law of Pleading, Practice and Evidence, and Criminal Jurisprudence.

Henry Hitchcock, Esq.: The Law of Contracts and Commercial Law.

Mr. Hitchcock was selected as the first Dean of the law faculty. Without detracting from the services rendered by others at this time, it may be said that the early success of the department is to be attributed more especially to the energy and zeal with which Mr. Hitchcock labored for the school both as Dean and instructor. It is only one of many instances in which he has rendered effective service to the community without that ostentatious recognition which is apt to come to the promoters of a less distinctly public cause.

The first advisory committee consisted of the following gentlemen: Hon. Samuel F. Miller, of U. S. Supreme Court; Hon. David Wagner, Chief Justice Supreme Court of Missouri; Hon. Arnold Krekel, U. S. Judge Western District of Missouri; Hon. Charles B. Lord, St. Louis Circuit Court; Hon. Samuel Reber, St. Louis Circuit Court; Hon. W. B. Napton, late Chief Justice of Missouri; Samuel T. Glover, Esq.; John M. Krum, Esq.; John R. Shepley, Esq.; Charles C. Whittlesey, Esq.; James O. Broadhead, Esq.

The foundation for a library was laid by the expenditure of $2,000 provided by Dr. Eliot.

Thus equipped the St. Louis Law School was formally opened on October 16, 1867, in the old Polytechnic Institute on the corner of Seventh and Chestnut streets, Chancellor Chauvenet, of Washington University, presiding. The Dean announced that members of the junior class would meet the faculty on the following day at the Law School lecture room on the fourth floor of the Polytechnic Institute, and Professor Treat delivered the inaugural address. Since that day the changes have been many. After a few years, Mrs. Henry Hitchcock generously gave an additional $6,000 to the library on condition that the lecture rooms be removed to the building of Washington University on Seventeenth and Washington avenue. The condition was accepted; adequate rooms were provided and the library assumed its true place in the course of legal training. In 1880 the building, 1417 Locust, was permanently dedicated by the University Trustees to the purposes of the Law School; so that this department now occupies its own building, making ample provision for lecture rooms, a large library, offices for the Dean and faculty, and rooms for classes and for student societies. The library, so modestly started, contains over 7,000 volumes of well selected books, and is now receiving more especial attention as the prosperity of the school is recognized as an established fact.

Beginning with a junior class of eight regular students, the two classes now number about 150, drawing their members chiefly from Missouri, but largely from neighboring and even distant States. The endowments have been much increased. Mrs. Hitchcock added another $10,000 and still larger sums were provided through the generosity of several members of the faculty, whose long and distinguished service might have excused them from giving further proof of their devotion. The income from these and other endowments, the free use of the building, the nominal compensation received by most of the faculty, coupled with the increased tuition by reason of the larger attendance, have placed the school upon a sound basis, from which it may expect not only to pursue the work as originally planned, but to constantly enlarge and perfect its usefulness. In the course of thirty years the Advisory Board has undergone many changes. Composed as it was of men ripe in years, experience and honors, many of them had soon to make room for younger forces. But the standard of the Board has never changed. It could not have been higher; it was never permitted to sink lower. The most eminent men active in the administration of the law within this State, from the Justice of the Supreme Court of the United States to the practitioner at the bar, still constitute this Board, as may be judged from the following list of members:

DAVID J. BREWER, Justice of U. S. Supreme Court.
SAMUEL TREAT, LL. D., U. S. District Judge (retired).
SHEPARD BARCLAY, Chief Justice of the Supreme Court of Missouri.
WARWICK HOUGH, late Justice of the Supreme Court of Missouri.
SEYMOUR D. THOMPSON, late Judge of St. Louis Court of Appeals.
WILLIAM H. BIGGS, Justice of St. Louis Court of Appeals.
HENRY W. BOND, Justice of St. Court of Appeals.
R. A. BAKEWELL, late Judge of St. Louis Court of Appeals.
DANIEL DILLON, late Judge of St. Louis Circuit Court.
LEROY B. VALLIANT, Judge of St. Louis Circuit Court.
JACOB KLEIN, Judge of St. Louis Circuit Court.

James E. Withrow, Judge of St. Louis Circuit Court.
Daniel D. Fisher, Judge of St. Louis Circuit Court.
J. Gabriel Woerner, late Judge of St. Louis Probate Court.
Elmer B. Adams, Judge of U. S. District Court.
Wilbur F. Boyle, late Judge of St. Louis Circuit Court.
George W. Lubke, late Judge of St. Louis Circuit Court.
James A. Seddon, late Judge of St. Louis Circuit Court.
John W. Noble, Ex-Secretary of the Interior.
Henry S. Priest, late U. S. District Judge.
Robt. F. Walker, Ex-Attorney-General of Missouri.
Horatio D. Wood, Judge of St. Louis Circuit Court.

Edward C. Kehr,	Truman A. Post,
Arba N. Crane,	Hugo Muench,
James Taussig,	Elenious Smith,
John W. Dryden,	James P. Dawson,
Edward Cunningham, Jr.,	David Goldsmith,
George H. Shields,	John A. Harrison,
John P. Ellis,	Charles S. Taussig,
Chas. Claflin Allen,	Garland Pollard,
John M. Holmes,	Wells H. Blodgett,
Henry A. Kent,	E. T. Allen,
James P. Maginn,	John F. Lee,
Leverett Bell,	John D. Davis,
Edward T. Farish,	James L. Blair,
Everett W. Pattison,	William B. Homer,
John E. McKeighan,	Fred W. Lehmann,
Silas B. Jones,	Thos. K. Skinker.

Of the regard for the school, or of the active and generous interest of the bar in its success, it need only be said that rarely, and then only for the best of reasons, has a member of the Advisory Board declined to assume the arduous labor of preparing and passing upon the examination papers assigned to him for the purpose of testing the fitness of proposed graduates.

The changes in the faculty have been equally great. Having successfully started the department, Mr. Hitchcock, overtaxed by this and other work, was compelled to retire for a time from active duty. He was succeeded as Dean in 1870 by George M. Stewart, Esq., but returning in 1871, he was made provost, with Mr. Stewart as acting Dean and in this capacity exercised active control over the school for the next seven years. In 1878 an entire reorganization of the faculty was had. Henry Hitchcock was again made Dean, and with three other members of the faculty assumed the entire responsibility of the work. Finding that an average of 170 lectures a year, together with the other duties of the Dean's office, seriously interfered with his professional work, he resigned as Dean in 1881. William G. Hammond, an eminent jurist of national reputation, at that time Dean of the Law School of the Iowa State University, took his place and occupied it with great distinction until 1893. William S. Curtis, a graduate of the school, was then selected and holds the position now. Under his administration the school has shown the most decided development in every respect.

Excluding those already named and the present faculty, there have been active as teachers during the thirty years the following: John M. Krum, Samuel Reber, John W. Noble, John F. Dillon, George A. Madill, G. A. Finkelnburg, George W. Cline, J. Gabriel Woerner, Chester H. Krum, Francis Preston Blair, Rochester Ford, Eugene C. Tittmann, George W. Lubke, D. D. Fisher and Chas. Claflin Allen. Of these Judge George A. Madill has the distinction of having taught Real Property for twenty-five years, from 1869 to 1894, and Equity for most of that time, throughout with that signal ability and fidelity which characterize all his work. No resignation from the faculty has ever been accepted with more universal regret.

Henry Hitchcock resigned from the faculty in 1884. During seventeen years, while occupying the position of Dean and afterwards as lecturer, he devoted his eminent ability as a lecturer to strengthen an institution which he had been so largely instrumental in calling into existence.

G. A. Finkelnburg has been a member of the faculty for nineteen years. He now limits himself to a short course on Constitutional Law, but for fifteen years as lecturer on Contracts and Bills and Notes, he was one of the chief supports of the institution, uniting in a rare degree the regard of his colleagues and the affection of his students. Much might be said of the work of these men, as of Treat, Reber, Martin and others, but here as elsewhere their work will speak for itself.

At present the faculty is composed as follows:

WINFIELD S. CHAPLIN, LL. D., Chancellor of Washington University.

WILLIAM S. CURTIS, LL. B., Dean of the Law Faculty.

RODERICK E. ROMBAUER (Ex-Justice St. Louis Court of Appeals),
Professor, Real Property Law and Equity.

AMOS M. THAYER, LL. D. (Judge of United States Circuit Court of Appeals),
Professor, Law of Contracts and Commercial Law.

GUSTAVUS A. FINKELNBURG, A. B., Lecturer, Constitutional Limitations.

JAMES O. BROADHEAD, LL. D., Lecturer, International Law.

FREDERICK N. JUDSON, LL. D., Lecturer, Constitutional Law.

CHARLES NAGEL, LL. B., Lecturer, Corporations.

PENDLETON TAYLOR BRYAN, LL. B., Lecturer, Torts and Negligence.

EDWARD C. ELIOT, LL. B., Lecturer, Sales and Bailments.

F. A. WISLIZENUS, LL. B., Lecturer, Administration.

I. H. LIONBERGER, A. M., Lecturer, Statute of Limitations and Statute of Frauds.

PAUL F. COSTE, LL. B., Lecturer, Agency.

EDWARD S. ROBERT, LL. B., Lecturer, Evidence.

LEE SALE, LL. B., Lecturer, Partnership.

CHARLES P. JOHNSON, A. M.,
C. O. BISHOP, LL. B., } Lecturers, Criminal Law.

JACOB KLEIN, LL. B. (Judge of St. Louis Circuit Court),
Lecturer, Advanced Class.

The regular professors are the Dean and Judges Thayer and Rombauer; they are supported by the corps of lecturers named.

With all the changes spoken of, the general purposes and methods of the school alone have remained the same. With the exception of the Dean, every teacher is engaged in the administration or practice of the law. It is believed that experience has completely vin-

dicated the opinion that the students must be benefited by such a system. The teachers are left to pursue their own methods; but in the main it may be said that text books are relied upon, cases being liberally used by way of illustration. Pure lecturing is rarely employed. Generally, if not universally, students are expected to be prepared for oral examination upon subjects embraced within assignments previously made. Entrance to the junior class is conditioned upon certain qualifications named. The senior class cannot be entered unless a written examination in all junior studies has been satisfactorily made. Before a senior is permitted to apply for a degree, he must present a written thesis upon an assigned subject, and he must take a written examination in every study of the two years' course, before the respective professor. If this has been satisfactorily complied with he is turned over to the Advisory Board, who subject him to the final written examination in every study taught in the school. If successful, here the Advisory Board recommend him for the degree, which, if conferred, entitles him, by act of the Legislature, to admission to any bar within the State. This Advisory Board is a marked feature of the school. It has a twofold advantage. It assigns the responsibility for judging the work to an independent and unquestionably competent body of men, and it gives the bar a direct interest in the labors of the school, and in the men who aspire to its membership. Here, too, experience seems to have equally verified the predictions of the founders of the school. Other features of the school are the following: The tuition is placed at the very reasonable sum of $80 a year, and there are three free scholarships for each class. The course as yet embraces only two years, although the lectures now provided for the advanced class, may well be expected to develop the course into one of three years. The lecture hours are placed before 10 a. m. and after 4 p. m., so as to make it as convenient as possible for those who desire to combine the practical experience of a law office with school work, and for those who are under the necessity of earning a livelihood while attending school. So well recognized is this plan that in many instances business houses, law offices and even courts have been known to take its requirements into account. It should be said, however, that students who are otherwise employed, require three years to complete the course. Then the school has a system of moot courts well calculated to prepare the student for the practical experience at the bar. And finally, it offers a prize of $50 for the best thesis submitted by an applicant for a degree at the end of the term.

Such in general outline is the St. Louis Law School, established about thirty years ago, with confidence in the unselfish devotion of lawyers to their own profession, as its chief foundation. Endowments were valuable and even essential, but the real success of the school now rests and must always depend upon the readiness of judges and lawyers to develop and sustain the law by aiding in the preparation of those who are charged with its intelligent and just administration. The friendship and support of the profession, so essential to success, now finds a double guaranty in the fact that a large proportion of the bar is composed of the alumni of the St. Louis Law School.

St. Louis, Mo.,
December, 1897.



ST. LOUIS LAW SCHOOL.

PATENT LAWS OF UNITED STATES.

BY PAUL BAKEWELL.

THE word "monopoly" in the sense of the original Greek words of which it is composed, means "exclusive sale." In this sense it would not exclude the private act of an individual by which he obtains control over the supply of any particular article. This latter abuse, however, is technically called "engrossing" by the lawyers, and the word "monopoly" is applied only to grants from the sovereign power.

It is an interesting fact that the whole modern system of patent law owes its origin to the struggles of the Commons of England against the abuse of monopolies, in the course of which the principle was firmly established that every citizen has the power to dispose of his own actions, provided he does not injure a fellow citizen, and that no power of King or magistrate, nothing but the authority of law, can restrain that freedom. It is the prosecution of this principle into its consequences that has produced the system of government under which we live.

After a long struggle, the Statute of Monopolies was passed in 1623. This made all monopolies illegal, except such as might be granted by Parliament, or were in respect of new manufactures or inventions. This statute is still in force in England, and upon it is built up the entire English system of patents for inventions as well as our own. The Parliamentary power has never been abused to the granting of exclusive dealing to any individuals in the sense of the old monopolies of the Tudor and Stuart Kings. The quasi-monopolies of railway, gas and water companies are representatives of the ancient practice, but are for the good of the community at large.

The government of England in the time of Elizabeth is truly said by Hume (History of England, Vol. 4, Appendix 3) to have been as despotic as that of Turkey. The Sovereign possessed every power except that of taxation, and its exercise led to granting monopolies and was so abused as a means of revenue, that had no successful opposition to it been developed, England, the seat of commerce, would have had as little trade and manufacture as Morocco. Elizabeth granted patents for monopolies to her servants until almost everything but bread was reduced to a monopoly, and even bread was threatened. The sagacious Queen acceded to the humble petition of the Commons, seeing how odious monopolies had become, and whilst maintaining that the royal prerogative was unlimited and not to be examined, graciously cancelled the most oppressive of these patents, upon which the Speaker and the Commons, with tears, returned thanks in terms fit to be used only to Almighty God. The promises of the Queen were, however, very imperfectly carried out, and from 1565 to the end of her reign in 1603, angry debates on the subject of monopolies arose in Parliament. Sir Edward Coke laid it down that by the ancient common law, the King could grant to an inventor a temporary monopoly of his invention, but that grants in restraint of trade were illegal; and the law was so laid down in

Darcy vs. Allin, 11 Co. R., 84, Anno 1602, the first recorded case of monopolies. This decision was afterwards evaded, but it was never overruled, and is the law in England and America to-day. When the first Parliament of James I. was summoned, the question of monopolies was at once taken up with great energy, and, from that time until the despotic system inaugurated by the Tudors was finally overruled, the fight for freedom originating in the debates upon monopolies was never abandoned until the people recovered their ancient rights in all respects. After James I. had in vain attempted to compromise the matter during twenty years by promises and orders in council, the Statute of Monopolies, making all monopolies illegal except patents for inventions and those granted by Parliament, was passed in 1623. Upon this excepting clause the system of patents for inventions is built up.

The statute prohibiting the grant of monopolies was passed in the twenty-first year of the reign of James I. During the earlier years of his reign the abuse which had reached its culminating point in Elizabeth's time still continued. As late as 1608 the King took the whole trade in alum into his hands, and made it the subject of monopoly; and though, in 1610, moved by the representations of the Judges, he published a book in which he says that monopolies are against the laws of the realm, and commands that no one move him to any grant thereof, the abuse continued in spite of petitions and protests. The statute of 21 Jac. 1, c. 3, was, however, merely declaratory of the common law already established by the courts in Pechey's case, 50 Edw. III (3 Inst. 181); Biscot's case, 15 Eliz. (3 Inst. 184), and Darcy vs. Allin (11 Co. R. 84). It was not because the royal prerogative as to monopolies had not been defined by the courts that these abuses arose in the Tudor reigns. The Wars of the Roses had so weakened the Barons and thrown all power into the hands of the Crown that English government had become a pure despotism, and for a century, at least, the Crown disregarded precedents and trampled upon Parliaments.

In a case decided in the year books, it is said that arts and sciences, which are for the public good, are greatly favored in law, and that the King, as chief guardian of the common weal, has power and authority to grant many privileges for the sake of the public good, though *prima facie* they appear to be clearly against common right. It is also said in Darcy vs. Allin (Moore, p. 675), that Edward III., on the representation of some aldermen, granted a commission to two friars and two aldermen to inquire whether a philosopher's stone might be made, and on their reporting the project feasible and not irreligious or immoral, he granted to the two aldermen a patent of privilege that they and their assigns should have the sole right of making the philosopher's stone. The earliest form of these grants of privilege seems to have been that of exclusively conducting new trades or dealing in articles of commerce hitherto unknown. The prerogative was, however, early used in some cases as a means of raising money without resorting to Parliament for supplies.

To the royal prerogative there had come, long before the Statute of Monopolies, certain well-defined limits, however these limits were disregarded. The Sovereign could not grant the sole right to sell articles in common use. Letters patent for the sole importation of sweet wines were declared void at a Parliament held in the fiftieth of Edward III. In Darcy vs. Allin, decided in the forty-fourth year of Elizabeth (11 Coke R. 84), it was decided as to the manufacture and importation of playing cards, that the grant of the sole right to exercise a known occupation is illegal. It was held necessary that the grantee should be at least the introducer of the article within the realm. Also, it was held that the

term must be limited to such a time as might suffice for the instruction of others, and that the subject-matter must be such as led to a new trade or manufacture, as possessed the incidents of utility and novelty, and would not be prejudicial or inconvenient. (1 Webst. Patent Cases, 7 n).

The conditions of the validity of a patent are stated as follows in Darcy vs. Allin: "Where any man by his own charge and industry, or by his own wit and invention, doth bring any new trade into the realm, or any engine tending to the furtherance of a trade that was never used before, for the good of the realm, in such case, the King may grant him a monopoly patent for some reasonable time, until the subjects may learn the same, in consideration of the good that he doth bring by his invention, otherwise not."

In the cloth-workers of Ipswich case, decided in 1615, (Godbolts R. 252) it was said: "If a man hath brought in a new invention and a new trade within the kingdom, on peril of his life and consumption of his estate, or if a man hath made a new discovery of anything, in such case the King, of his grace and favor, in recompense of his cost and travail, may grant by charter unto him that he only shall use such a trade or traffic for a certain time, because at first the people of the kingdom are ignorant, and have not knowledge or skill to use it. But when the patent is expired the King cannot make a new grant thereof, for when the trade is become common and others have been bound apprentices to the same trade, there is no reason that such should be forbidden to use it."

Upon these principles of the common law, the patent system of England and the United States has been built up, by constitutional provisions, statutory enactments, and the decisions of the courts.

During the Colonial period, some patent monopolies were occasionally granted by the several Colonies. On the formation of the Federal Government, the Constitution of the United States contained a provision giving power to Congress "to promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries." The terms "inventors" and "discoveries" had, when the Constitution was adopted, a well understood meaning, based on the practice and law, not only in England, but in some of the States, which, as we have just said, had occasionally protected new and useful inventions by special grants. This clause of the Constitution was a recognition, a century and a half after its passage, of the exception clause to the Statute of Monopolies, (21 James I). In pursuance of this clause, Congress passed the Patent Act of 1790, repealed and replaced by the Act of 1793, which was replaced by the Act of 1836. After various amendments, the Act of July, 1870, was passed, which is substantially the existing Act in the Revised Statutes of the United States. This statute granted to the patentee the exclusive right for fourteen years (since changed to seventeen years), and he may make and vend his improvements for two years before applying for a patent, without forfeiting his rights.

The grant of a patent raises a *prima facie* presumption that the applicant is the first inventor or discoverer of a useful invention carried to the point of adapting it to practical use. The grant is only made after examination at the Patent Office as to novelty, utility and the sufficiency of the specification. But the grant is not conclusive as to these questions, since the application is *ex parte* and secret. The Government does not guarantee the validity of a patent; and the patent is open to attack during the whole term of its life. The granting of patents is effected without expense to the Government. The fees are paid by the applicants and the office is not only self-supporting, but pays

annually to the Treasury a large balance of receipts over expenses. This balance in the Treasury credited to the Patent Fund is to-day over five millions. The surplus for the fiscal year ending June 30, 1897, paid into the Treasury by the Patent Office was $317,-135. The application for patents during the same fiscal year were 43,524, and the number of patents granted, 23,994, including re-issues and designs. The number of applications for patents filed during 1896 was greater than that during any previous year, and the number filed during the first six months of 1897 exceeded by seven per cent the number during the first six months of 1896. The receipts of the Patent Office during the fiscal year ending June 30, 1897, were $1,343,779, and its expenses $1,026,644.

By our modern patent laws a system of monopolies devised and employed by tyrants to enable them to rule without the Legislature and without the consent of the people, after a struggle to which we are indebted for free government to-day, has been adapted to the promotion of the arts, manufactures and commerce and the most important public interests in consequence of the limitation introduced 270 years ago into the Monopolies Act of 21st James I.

As was said long ago by Jeremy Bentham, "A patent of invention is an instance of a reward peculiarly adapted to the nature of the service, and adapts itself with the utmost nicety to these rules of proportion to which it is most difficult for rewards artificially instituted by the Legislature to conform. If confined, as it ought to be, to the precise point in which the originality of the invention consists, it is conferred with the least possible waste of expense. It causes a service to be rendered which, without it, a man would not have a motive for rendering, and that only by forbidding others from doing that which, were it not for that service, it would not have been possible for them to have done. Even with regard to such inventions, for such there will be when others besides him who possesses the reward have scent of the invention, it is still of use by stimulating all parties and setting them to strive which shall first bring the discovery to bear. With all this it unites every property that can be wished for in a reward. It is variable, equable, commensurable, frugal, promotive of perseverance, subservient to compensation, popular and reasonable."

These are the words of the great philosopher of utility, of the man who introduced the word "utilitarianism" into our language, whose teaching is inextricably bound up with the legislation of this century, and whose writings are the armory of legal reformers. As a teacher of legislation, his whole laborious life was nothing but a long inquiry of all laws and all institutions whether their utility justified their existence. If any yet retain the vulgar prejudice that patent laws are a monopoly in an evil sense, they will do well to consider his wise and temperate words on this subject.

The immense progress which has been made in the arts and sciences is recognized, at least in a confused and general way, by all men. When one turns to any of the registers of scientific progress, to such works, for instance, as the successive editions of the Encyclopedia Britannica, the rapid progress of the arts and sciences becomes clearly apparent. One is struck, not only with the rapid advance, but with the ratio of increase. Each quarter of a century, or even each decade, is much more fertile in discoveries and inventions than the immediately preceding period. Branches of science enter upon a new stage, insomuch that the entire terminology and nomenclature is changed, what was vague becoming more and more precise. With the application of newer principles, the mechanical arts and industries have rapidly advanced. Mechanical invention has kept up with the progress of discovery and has reacted upon it, the new instruments of the ingenious

inventor having directly contributed to the discovery of physical properties and laws. To this advance in science the patent laws have so largely contributed that it is safe to say that without this encouragement to invention the world would probably be but little advanced beyond the halting and semi-barbarous methods of three centuries ago. New continents would remain unsettled and uncivilized to the present day, steam would be in its infancy and electricity unheard of.

The great practical movement of the world in our age is a movement for the development of mechanical inventions and multiplication of mechanical products, and not merely of those that are called "useful," but of those classed with the fine arts. If the artist is the purveyor of the machine, the machine has become the useful, often the indispensable, servant of the artist. In vain would the artist contrive the pattern were the loom not there to enable him to "give to airy nothing a local habitation and a name." In many cases the artist could not live and the art must die, but for the inventor of the mechanical agencies which not only enable him to express his idea, but by mechanical agencies, to put it in circulation. The title of "artist" is, in many cases, justly due to the inventor of some of the astonishingly complex and efficient machines of modern times. Thought, labor and genius are employed in realizing his ideal; and when it is done, it is in machines applied to mere utility, as well as in those that serve the arts, so almost human that its invention itself deserves the name, not only of art, but of fine art.

Patents have been the means of promoting progress both in the useful and the fine arts. If there is no protection and the inventor discloses his improvement his competitor is relieved of all trouble and expense, and perhaps, having more capital, can unjustly deprive the inventor of the whole fruit of his experience, learning, industry, thought and genius. If the law affords no protection, the inventor must resort to secrecy, a most uncertain protection, and one that is injurious to the public, depriving them of the improvement, at least for a considerable time, and tending to injure business by destroying mutual confidence. Nor does the protection of the inventor unfairly interfere with free competition. There is no reason why the invention which has cost thought, time and money, should be free to all competitors, which would not logically lead to a community of all goods. One main objection to Communism is that it destroys all enterprise, all energy, all competition, and all incentive to creation. Nor will a simple trade-mark protect the inventor. It may well be that another besides the inventor may be able to make his machine more handsomely and at a cheaper rate than the inventor himself, in which case the benefit to the inventor would be lost to him, because the trade-name or mark would in most cases protect the particular manufacturer only in the right to mark the thing with the name or mark, not in the right to make the thing itself. The original thought embodied in the machine would be open for the dullest intellect to copy. A field of labor in which none can find profit will soon be abandoned, useful discoveries will be comparatively few, and the arts will cease to advance.

The commercial and industrial growth of the United States is due to the encouragement of inventions. Before the age of invention, say 250 years ago, the English-speaking population of the globe was about 6,000,000; it is now probably 150,000,000. A century ago, locomotive power was simply animal power, except for the uncertain action of the wind. By means of the steam engine, the latent heat of coal was made to do the work of horses, and as invention was further applied, a pound of coal in improved engines was made to do the work of three pounds a few years back.

But the progress of invention has been so rapid that every middle-aged man has practical experience of the revolution in society produced by inventions within his own life-time and it is a mere waste of time to develop this idea or suggest illustrations of it. Putting aside the introduction of new products, and the utilizing of substances supposed to be useless, let us take a single instance—the utilizing of the mysterious power, electricity, which yet in its infancy, promises to afford material help to man which shall surpass steam as far as steam surpassed the ox and the horse.

Protection by a temporary monopoly to the inventor encourages invention and the wide publication and diffusion of new discoveries. In 1820, Oersted published the results of his "experiments on the effect of electric conflict on the magnetic needle." Arago at once took up the hint afforded and discovered that a copper wire connecting the poles of a voltaic cell would attract iron filings, and that he could communicate permanent magnetism to steel needles laid at right angles to the upper wire. Davies made the same discovery in the same year. Schweigger shortly invented his multiplier, and Sturgeon and Schweigger invented the electric magnet. It was disclosed by Sturgeon in 1825, but probably discovered by both some years earlier. As improved by Moll, and afterwards by Henry, the electric magnet soon rose from a lifting power of nine pounds to a capacity for lifting many thousands. Ampere, by his theory of molecular currents, explained the hitherto merely surmised connection between electricity and magnetism, and ten years later, Faraday discovered the law of the induction of electric currents. What electro-magnetism is to-day, we all see in its practical effects. The names of those whose discoveries have mutually stimulated each other along the path of fruitful discovery and invention concerning electro-magnetism, may be seen in Thompson's treatise on the subject, which summarizes the results of scientific research to a recent period. All this energetic work is due, to a great extent, to the protection afforded the discoverer by the patent laws (see G. H. Stockbridge in the Engineering Magazine for May, 1897). There are already in the United States thousands of miles of electric railways. Electricity is displacing gas for illuminating purposes, and not only operates machinery but serves for heating and ventilation. The attractive force created by electricity in soft iron, the action of electricity as a generator of light, heat and power and as a transmitter of sound, the combined use of the vacuum and the electric current in the production of the electric lamp, the action of light on sensitive films for photography, and the use of photography for printing purposes—these, and countless others are the classes of new manufactures due to the discovery and practical application of natural laws until quite recently undreamed of.

Invention has modified old industries and created new ones under the stimulation of protection to the inventors. India-rubber manufacture, now indispensable, is the growth of the last fifty years. Aniline was unknown until Perkins' patent of 1856, and counts to-day hundreds of inventions for brilliant dyes. Gun-cotton has changed the science of war. Aluminum, the value of which cannot be estimated, was known a year or two ago as a chemical curiosity, but by the invention of cheaper means of production has become an extensive article of commerce. Almost, if not altogether, within our times, the invention of machines for utilizing the cotton fibre have given its commercial value to cotton. The paper machine has rendered modern journalism, with hundreds of thousands of copies per diem, possible; the type-writer, the sewing machine, the bicycle—all these are due to human invention stimulated by the laws which protect the inventor. It is safe to say that but for the patent laws, America would never have known an Edison.

The inventions of Hargreaves and Jenning, the spinning-jenny and the spinning frame, caused the American planter for the first time, in 1770, to turn his attention to the production of cotton. The supply only stimulated the demand. The capacity of the Southern States for the production of cotton was almost boundless, and the capacity for its manufacture, under the improved machinery, kept pace with its production. The cotton crop of the United States rose from 957 bales in 1826, when the first reliable return was made, up to nearly 5,000,000 bales at the breaking out of the War of Secession in 1860.

The machines and implements of husbandry about half a century ago were the horse plow, the sickle and the flail; what they have become under the stimulus given to invention is known to all. The invention of new means of locomotion led to the settling up of the immense territory of the United States, and the occupation of the territory to a demand for facilities for cultivating the newly settled lands; and human ingenuity again, under the protection of the patent laws, gave us the steam plow, harrow, sower, reaper, thresher, binder, and the innumerable machines through the agency of which America is enabled to feed the civilized world.

The patent laws stimulate profitable invention by securing to the inventors a tangible and salable property, without which they would be discouraged from prosecuting their calling and without which they would be unable to call in the aid of the capitalist to their assistance in perfecting the invention and introducing it to the world. Invention cheapens manufacture, and the increased profit derived from manufactures by the use of machinery, improves the condition of the country and adds to its wealth; and every new manufacture creates a greater demand for labor, raises the scale of wages, and enables the workman to increase his output with a diminution of fatigue.

It has not been proposed, in a sketch necessarily so brief as this, to give a detailed sketch of the patent laws, or a history of the rules and practical working of the Patent Office. Nor would such a sketch be of any practical utility. Our aim has been to show very briefly, that the origin of the patent system of law was the destruction of tyrannous and grasping monopolies; that the controversies which led to the establishment of its first principles led also to free government and the recognition of the rights of man; and that both in a political and in a social sense, humanity and civilization are greatly debtors to those agencies which culminated in the establishment of the Patent Office.

St. Louis, Mo.,
January, 1898.

THE EARLY BAR OF NORTHEAST MISSOURI.

BY W. O. L. JEWETT.

AT THE time of the Louisiana Purchase all Northeast Missouri was a "howling wilderness;" that is, it was the domain of the insects and wild animals and the winds howled without "let or hindrance," as the country was peopled only by a few wandering Red Men. Now scarcely a forty acres can be found but is enclosed and occupied by some one claiming to be civilized. From 1820 to 1830 settlers began to make here and there clearings in the forests; none dared to brave the flies and storms of the prairies. By the latter date many counties had been organized and courts were opened in a few places; during the following decade the bar at Palmyra became noted for eloquence and ability.

THE MARION COUNTY BAR.

The pioneers found between North and South Rivers and six miles west of the Father of Waters, beautiful rolling ground covered with stately elms and a copious spring of bright, sparkling cold water, and here they planted a settlement which became the seat of justice for Marion County, a center of education, and soon a brilliant bar was developed as above stated.

John Anderson, the first lawyer of whom we find any record as living north of Louisiana, in this State, at which town also the bar early became noted, settled in Palmyra in 1830, and during the five short years of his life there he gained a great reputation as a good lawyer and an eloquent and brilliant advocate. He was a Kentuckian and acquired his legal start at Transylvania Law School at Lexington. His personal appearance is said to have been attractive and his manners winning, but he died young, after but five years of professional work.

Thomas L. Anderson, who settled in Palmyra in 1832, the second lawyer there of whom we find a record, gained not only a State but a national reputation as an orator and an advocate, and in his palmiest days, the silvery tones of his voice, pleading, with tears in his eyes for his clients, were all powerful with a jury of open-hearted, sympathetic pioneers, and many a man who deserved the gallows or the penitentiary was acquitted through his skill and power. Some readers may think the above inconsistent with the statements to follow, to-wit: That Mr. Anderson—"Colonel Anderson" as he was usually called—was one of the best and most upright men that ever lived and a true Christian gentleman. But if these statements at first blush appear to be opposed to each other, they may be reconciled when the position and duties of an advocate are considered; that he is bound to use all his ability in presenting his side of the case; that he is opposed to a lawyer supposed to be able to expose any sophistries in his arguments and to fully present the other side, while the court and jury arbitrate between them, and finally decide the matter. A law suit is a battle royal, in which the opposing forces do their best, having regard always for the rules

and principles of civilized warfare, and there is an impartial tribunal to award the crown to the victor. The great Doctor Samuel Johnson, as quoted by Boswell, once said: "A lawyer is not to tell what he knows to be a lie; he is not to produce what he knows to be a false deed; but he is not to usurp the province of the Judge and jury and determine what shall be the result of evidence, what shall be the result of legal argument. A lawyer is to do for his client all that his client might fairly do for himself, if he could. If by a superiority of attention, of knowledge, of skill and a better method of communication, he has the advantage of his adversary, it is an advantage to which he is entitled. There must always be some advantage on one side or the other, and it is better that advantage should be had by talents than by chance. If lawyers were to undertake no causes till they were sure they were just, a man might be precluded altogether from a trial of his claim, though were it judicially examined it might be found a very just claim." And Judge Bay, of this State, an able and honest man and author of the "Bench and Bar of Missouri," has said: "The lawyer is not to be theorizing upon the probabilities of guilt, but in the absence of any positive knowledge, is to presume what the law presumes, that his client is innocent until the contrary is proved."

Col. Anderson had a great practice, not only in Marion, but in most of the counties of Northeast Missouri. From the earliest days up to the war, and to some extent since, the leading members of the bar in Northeast Missouri, and probably all over the State outside of St. Louis, traveled with the Judge around his circuit, and some of them, like Col. Anderson, were called to important cases outside the circuit. Born on a farm in Green County, Ky., December 8, 1808, his opportunities for education were limited, but he improved them, and was admitted to the bar at Bowling Green, Ky., before he reached his majority. Then he came to St. Charles, Mo., to which place he removed two years before settling permanently in Palmyra. His nature was genial, and he was a most companionable man, and especially was he admired and loved by the younger members of the profession, for he was ever ready to give them good advice and help them out of difficulties, and to even lend a hand in the trial of their cases. As a young man his complexion is said to have been florid and his hair sandy, but when the writer first knew him just after the war, his locks were white. He was of good size and build, always neat, clean shaven and careful to have his boots blacked. In fact he said he could not speak worth a cent without polished shoes or boots on his feet. Being naturally public spirited and greatly interested in political questions, he early became a candidate for office, and in 1846 was elected a member of the Legislature by the Whigs, having also the previous year been a member of the Constitutional Convention. In 1856 he was elected to Congress, his district embracing a large part of Northeast Missouri, and was in 1858 again elected, both times by the "Know Nothing" or "American" party. When the excitement of 1860 and 1861 threw the country into strife, he declared himself for secession, but he never entered the Confederate service.

After the enfranchisement of the Southern element after the war, Col. Anderson was ambitious to be again returned to Congress, but his aspiration was never gratified. He acted with the Democrats until the formation of the Greenback party, when he became a leader of that organization and gave much of his time to advocating its principles. Probably no man ever questioned his integrity, and he had the confidence of the public as few men had, keeping it for fifty years, and was always worthy of it. He was a member of the Presbyterian Church, a Royal Arch Mason, and a great advocate of temperance. Married twice, he raised ten children, four of whom became lawyers: Rufus E., at Hannibal, a man

of great talents, and William R., at Palmyra, an excellent business lawyer. Another son, Samuel, died many years since in Memphis, Tenn., greatly admired by the bar and the people of that Southern city; and the other, Thomas L., settled in Louisiana, Mo., where he was making a fine reputation, when he too was called up higher. Col. Anderson died some twelve years ago at a good old age.

Uriel Wright was another gifted man who for a time shed luster on the Palmyra bar by his great eloquence and skill as an advocate. No doubt, justice will be done to his great merits by Col. Broadhead in connection with the members of the St. Louis bar, to which place he removed about 1840, having, however, first represented Marion County in the Legislature. He is said to have been one of the most eloquent men who ever lived in this State. He was born at Madison Courthouse, Va., in 1805 and removed to Missouri in 1833, settling, as intimated, at Palmyra. At that time the cholera was bringing mourning into nearly every household in that village, for during 1832 and 1833 this epidemic was much more fatal in this isolated country place than even in any of the larger cities, although it is stated that in the latter year one-twelfth of the population of St. Louis fell victims to the dread disease. In Palmyra, it is said, 105 died out of a population of less than 600. This fatality has been attributed by some to the fact that the people all used water from the fine spring of which mention has been heretofore made. The writer had the facts about the cholera from the mouth of Col. Anderson. Maj. Wright, as he was called, was not deterred by the prevalence of the epidemic from locating among the good people of Marion's capital, but young and brave, cast his lot among the sick and dying.

Samuel T. Glover, another shining light of the Palmyra bar, was of a family noted for its high spirit and quickness to resent any imputation of dishonor. Hon. John M. Glover, a brother of Samuel, represented the Northeast Missouri District in Congress from 1873 to 1879 and was a most fearless man in advocating what he thought right and in denouncing everything he believed wrong. No danger could move him. The father of these Glovers lived in Knox County, Mo., and was noted for his courage, integrity, impetuosity and honor. The subject of this sketch studied and practiced law in Palmyra until he moved to St. Louis, ten years or more before the war, and in that metropolis he became leader of its learned and talented bar. He departed this life some twelve years since.

Judge John D. S. Dryden was still another man who helped make the Marion bar famous, and who after acquiring a great reputation moved to St. Louis and there practiced his profession for many years. In 1838 he was admitted to the bar in Montgomery County, Mo., but immediately joined himself to the brilliant legal constellation at Palmyra, and succeeded by industry and hard study in holding his own, though not a great orator, with the famous advocates who there adorned the profession. In 1862 Governor Hall appointed him one of the Justices of the Supreme Court, which place he filled with honor and ability until ousted by the vacating ordinance of 1865, which emptied all the offices in the State that they might be filled by Radicals under the Drake Constitution. He died a few years ago in St. Louis and his son, John Winchell Dryden, is still a member of the bar there. Nat C., another son, now deceased, was in his day one of the most erratic but brilliant geniuses of the Missouri bar. Judge Dryden was a very pleasant, polite and courteous gentleman—and the writer acknowledges favors at his hands.

Edwin G. Prattle is a character well remembered by the old citizens of Northeast Missouri, for he had a striking appearance, was over six feet tall, with a very large head and broad shoulders, was somewhat eccentric, but very bland, and he had a child-like and

innocent smile which was irresistible. To see it once was never to forget it. He was a man of moral and studious habits and wholly devoted to his profession. Born in the State of New York, his early advantages were excellent and he had a classical education; but like thousands of enterprising young men, determined to seek his fortune in the West, and he, like Major Wright, settled in Palmyra in the cholera year of 1833. He was a profound and painstaking man rather than brilliant, and was not an attractive speaker; but he continued up to old age, and longer than most other members of the profession, to travel around the circuit. He took little interest in politics and never became a candidate for office. He died some fifteen or more years since. Though a very mild man, "Counselor Prattle," as he was familiarly known, had spirit, and in July, 1838, in the trial of a case at Shelbyville, he and Samuel T. Glover became involved in a personal difficulty and blows were exchanged. They were fined for contempt of the court, the Grand Jury then indicted them, each plead guilty and each was fined five dollars.

Henry S. Lipscomb studied law in Shelbyville in the office of A. L. Slayback, but went to Palmyra to practice. Being an industrious and careful man of business, with good legal and speaking ability, he rapidly built up a large practice, even in competition with such men as Anderson, Glover, Dryden and Redd, and accumulated quite a fortune. He had an impediment in his speech which at times caused him to stutter in a manner that amused strangers. During the war he was Colonel of a regiment of Union soldiers, but after the war he denounced most bitterly all who favored the disfranchisement of the Southern sympathizers. He had a great ambition to go to Congress, but this was never gratified, though in 1874 he was a candidate on the People's ticket against Col. John M. Glover, the Democratic nominee, and the two being both bitter men, had a very bitter controversy.

Col. Lipscomb was kind to the younger members of the bar and for years always gave James C. Hale, now for many years Judge of Probate of Shelby County and a brilliant speaker and writer, great help, when he was young in the practice; and the writer has often heard Judge Hale speak in the warmest terms of praise of his friend. Some fifteen or more years ago Col. Lipscomb went to St. Louis and there practiced for a while and for a few years in Denver, Col., but he returned to Palmyra to die.

The writer well remembers that in the spring of 1866, in company with another young lawyer from Illinois, H. Payne Higgins, he entered Col. Lipscomb's office, both being perfect strangers to Missouri, to Missouri people and Missouri politics, and after inquiring about a good place to locate, Col. Lipscomb said: "Young gentlemen, I sincerely hope you will locate in this State, and that you will come with the determination to help us overthrow the worst tyranny that was ever fastened upon any people. We are bound hand and foot by the Radical tyrants." This made a deep impression upon the writer's mind and he can yet remember the deep earnestness of the man as he denounced the tyrranical acts of the party in power.

Judge John T. Redd is the last one of the old Palmyra bar of which it is my duty and pleasure to speak. He was not in any sense brilliant, but was deep, broad, profound and logical. For fifteen years he was Judge of the circuit composed most of the time of Marion, Shelby, Ralls and Monroe Counties; part of the time Audrain and perhaps other counties were included, and he always had the confidence of both bar and people. In 1834, at the age of eighteen, he came with his father from Kentucky to Marion County, and continued to farm until he was twenty-seven, having studied law during nights and at odd times, and then was licensed to practice law, and soon took rank among the leaders in the profession. He was a

deeply religious man and took great interest in such matters. While holding court at Shelbyville about 1877, a man delivered, one night at the court house, a very peculiar religious discourse, and just as the congregation was being dismissed the Judge said: "I have a few words to say, my friends," and for nearly one hour he held the audience while he discoursed most logically and profoundly on religious subjects. For many years Judge Redd was in partnership with Col. Edward McCabe, one of the most polished and scholarly men who ever adorned the bar of Northeast Missouri. Col. McCabe is still living, but for a number of years has been so afflicted that he could move about only in a chair.

THE SHELBY BAR.

About the year 1835 the Western part of the territory included in Marion, and called Black Creek Township, was organized into a new county named Shelby and the county seat was located near the center and called Shelbyville, though the first term of Circuit Court was held at a place six miles east, where there was a store and probably a blacksmith shop and called to this day, Oak Dale.

Alexander F. Slayback. The first lawyer of any note appears to have been Alexander F. Slayback, the father of Col. Alonzo W. Slayback, who came to such a tragic death in the office of the St. Louis "Post-Dispatch" some fifteen or more years ago. Mr. Slayback was a hard student and having completed his preliminary studies, was in 1838 admitted to the bar and settled in Shelbyville, where his distinguished son, above mentioned, was born, and there for ten years the father worked diligently and even laboriously at his profession in the new county; but though he had plenty to do, it brought little cash to his coffers and he changed to Lexington, where he remained till his death in 1848. He is said to have been socially one of the most companionable of men.

Joseph M. Irwin. This gentleman was Shelby's second lawyer of note. He was born in Winchester, Va., in 1819 and came to Shelbyville when sixteen years of age; there he studied law in company with Henry Lipscomb, afterward a member of the Palmyra bar, in the office of A. F. Slayback. In those days a man had to go to the Supreme Court to secure a license to practice and the examinations were very strict. There young Irwin went and returned with the necessary "sheepskin," and immediately opened an office. He was recognized as a young man of talent, and being a good speaker, he rapidly secured a good practice.

During the 'fifties he served two terms in the State Senate. Hancock Jackson, of Randolph County, was his opponent at one time, and while Irwin was a very honorable, confiding man, Jackson was the opposite. The question then was the granting of State aid to the North Missouri, now the Wabash Railway, which was to run through Randolph. The people of that county were enthusiastic for the road, while in Shelby they were bitterly opposed to granting it State bonds. The candidates had an appointment to speak at Leverick's Mill in Randolph, and Jackson wrote Irwin that he could not well be at the meeting and asked his opponent also to stay away. To this Irwin agreed; but the night before, two of Irwin's friends in southwest Shelby learning that Jackson intended to fill the appointment, went in haste to Shelbyville, where they arrived at the "noon of night," awakened Irwin from his peaceful slumbers and told him of Jackson's scheme. These friends were Charles Kyle, now dead, and Edward Tansil, still a citizen of this county. So all three hastened to Leverick's Mill and Irwin remained undiscovered until Jackson had made his speech advocating State aid for the railroad. Then the two friends raised a loud cry

for Irwin, who promptly appeared, exposed Jackson's trick, and told the people how their candidate had in Shelby denounced the railroad scheme. This created much indignation against Jackson and secured Irwin's triumphant election.

In 1861 Irwin was elected to the Constitutional Convention as an unconditional Union man, and there he voted against secession and for the emancipation of the slaves to take effect in 1876. In 1866, his health being impaired, he quit the practice of law, moved to Clarence in the same county and went into mercantile business, and in 1877 departed this life. One of his sons, L. E. Irwin, died recently while filling the office of Chief of Police of Kansas City; and another, Wm. A., now lives in Maryville, Mo.

John McAfee. A noted character in Shelby County for many years was John McAfee, not so much as lawyer as a politician. He was repeatedly elected to the State Legislature, usually as a regular Democrat, but once as an independent candidate, and at the breaking out of the war, he was Speaker of the House and a strong secessionist, and was in the Confederate service. After the war he settled in Quincy and became a stock trader.

John F. Benjamin. Probably a man of more real ability than any lawyer that ever lived in the county, was John F. Benjamin. He came from Central New York in 1848, then between twenty-five and thirty years of age, bought a yoke of oxen and commenced farming. The next year he went to California, returned in 1850 with some gold, was immediately nominated and elected to the Legislature by the Democrats, then studied law, became County Surveyor, and laid off the swamp lands and bought much of it. This land is now the best in the county, and in this speculation Benjamin made some money. He then became County Attorney and "gathered gear by every wile that's justified by honor" and by some, possibly, that was not, for he was a lover of the dollar, and piled them up rapidly. He was a financier and became the wealthiest man in the county in his day. He was also a great joker, full of pranks and "sells." Circuit Clerk Chipley was rather a stylish, proud man, and one day he bought a sack of flour and asked the grocer to find a cheap boy to carry it (this was before the days of delivery wagons). Benjamin, standing by dressed in broadcloth, said, "I'll carry it *home* for a dime." "I'll give it," replied Chipley. Benjamin wrapped a paper around the sack, took it upon his shoulder and carried it to his own house instead of Chipley's, then returned and permitted Chipley to "guy" him about going into the dray business. But when the Clerk went home and found the flour had not reached his kitchen, his wrath became warm. Benjamin said he would take a sack of flour at any time, especially when he could get a dime along with it. He built the finest house ever seen in the county before the war, and in 1872 built, at Shelbina, the most expensive one ever erected in the county. He was also fond of fine furniture and pictures.

When the war came on, he declared himself an unconditional Union man, and became active in opposing secession. In the fall of 1861, some of Porter's men, led by William (known also as "Doc") Davis, who had for a time practiced law in Shelbyville, made a dash one night into the town and surrounded the houses of some of the leading Union men. They sought Irwin, but he happened to be at church and a friend picked him up (he was a small man), and carried him away and kept him concealed. Benjamin hid in his garret, but he was discovered and taken prisoner. The next day he was taken to the house of Judge Oliver Terrill for dinner, surrounded by enemies. Judge Terrill, who knew him to be a religious man, asked him to say grace, and as he did so the tears filled his eyes; the only time, it is said, he was ever known to exhibit such weakness.

From Captain, Benjamin became a Colonel, and as a commander he had a prisoner shot in retaliation for the killing of some Union men by bushwhackers. This was a dark and bitter day for Shelbyville and the surrounding country. About this time McNeil was having men shot in retaliation and because they had violated their parole.

From 1865 to 1871 he represented this district in Congress. Then he established a bank at Shelbina, the first one in the county (now there are seven), and having insulted James Hanly, who had worked for him, he was shot and severely wounded in the breast by Hanly, who was acquitted. This occurred in 1874 and developed the fact that there was a very bitter feeling against the Colonel, so he sold out the bank and went to Washington, where he opened another banking business; Mrs. Benjamin, however, remained in Shelbina, and occupied their mansion alone.

While in Congress the Colonel had become enamored of a very beautiful and charming young woman named Guy Allen, whom he adopted (he having no children), but Mrs. Benjamin drove her away from Shelbina. In the spring of 1877 Col. Benjamin died in Washington under somewhat suspicious circumstances, and it was found that he had willed the most of his property to the adopted daughter. Mrs. Benjamin died a few months later, and a brother and a few other relatives of Col. Benjamin brought suit in Shelby County to set aside the will on the ground of undue influence. This suit was brought by King and Giles of Shelbina, and there were two unsuccessful trials in which the best legal talent was employed on both sides. Then the Washington court decided that city to be Colonel Benjamin's residence at the time of his death and distributed his property so the handsome woman got his money. Col. Benjamin did a great deal to make Shelby a strong Union county.

Benjamin F. Dobyns had a brief career of only ten years at the bar, but he established, in that time, the reputation of being a very careful, reliable and learned lawyer. He was raised in Marion County, was in the Confederate Army, where he was twice wounded. After the close of our late "unpleasantness," he taught school at Shelbina and studied law. Admitted to the bar about 1870 or 1871, he was in 1872 elected the first Prosecuting Attorney of the county, which office he filled with great credit and faithfulness for two terms.

In 1880 he became State Senator, and in that body he held a high rank, being considered about the best legal talent there. His health being poor, largely in consequence of his wounds, he abandoned the law and became a lumber merchant at Shelbina. A few years ago he died, leaving a very interesting family of children, he having married, in 1872, Miss Cordelia Williams, a woman of great ability and force of character. Mr. Dobyns was one of the purest and most honorable men that ever lived, and in consequence, his life added luster to the legal profession of this county. He was kind and true in every relation of life.

Richard Porter Giles. Born in Kentucky, the son of Dr. Granvill Giles, raised in Monroe County, educated at St. Paul's in Palmyra, Richard Porter Giles there studied law in the office of Redd & McCabe. In 1868 he opened an office, then a very young man, in St. Joseph, where he remained several years. Being discouraged, as young lawyers are apt to be, with the difficulties of securing practice, he abandoned the profession and went into the grocery business at Shelbina. But this not proving to his liking, in 1875 he formed a partnership with Charles M. King, who had been in practice for a number of years, and this firm soon took a leading position. In 1880 Mr. Giles was elected Prosecuting Attorney (the only office he ever held), to which position he was four times chosen. He estab-

lished a great reputation as a prosecutor, especially in securing the conviction of Joseph Glahn, for the murder of Judge Joseph Hunolt. The testimony was all circumstantial and was handled in a masterly manner. The Supreme Court, however, set the verdict aside and the defendant went free. He was employed to prosecute Young, at Palmyra, for the murder of his father, and to the great surprise of everybody, including probably Mr. Giles himself, the defendant was convicted, but the Supreme Court also knocked this out. He helped the prosecution, likewise, in the celebrated Hearne case, and he was employed in other murder cases. He was always best on the side of the prosecution, and his delight was to close the argument. He was a good, thorough lawyer, but as an advocate he excelled. He gained the confidence of the jury, and he riddled his opponents and their witnesses with red hot shot. He was positive and sanguine, and when interested or stirred up, he had great power. He had a way also of ingratiating himself into the confidence of the Judge, and other members of the profession, as well as the people, usually, though, he had more influence with the Court than anyone else.

He was tall, and, in his younger days, very slim, and he had a great desire to broaden out, which desire was gratified largely. As a conversationalist he had few equals. With a mind well stored with information, a fine command of language, and a vivacious, sociable disposition, he was of course always interesting. His young wife died in 1872, leaving two infants, a boy and girl. Mr. Giles remained a widower to the day of his death, living with his aged mother and father, the former of whom survives him. His son is practicing medicine in Texas and his daughter lives with her grandmother in Shelbina.

The great ambition of Mr. Giles' life was to go to Congress. Of this he dreamed and for this he struggled. In 1892 he made a gallant fight against the veteran Col. Hatch for the nomination, but was defeated in a primary by about 400 votes. Again two years later, he renewed the contest and came a little nearer the goal. In 1896 he made another effort and this time he was successful, being triumphantly nominated and elected. But disease had marked him for its victim. He was sick all the latter part of the summer and fall, and two weeks after receiving the largest majority ever given in the district, he passed over the river to his reward. His funeral was one of the largest ever seen in this part of the State.

Mr. Giles had literary taste, and loved books; he was fond also of anecdotes and reminiscences. He was a firm believer in the Christian religion, and belonged to the M. E. Church South.

He was not a financier and lived and died poor, though his habits were not expensive, saving in cigars. But in country places, a lawyer may have a large practice and yet his income be small, and only by careful management and rigid economy can he accumulate anything. Mr. Giles, like most lawyers of prominence, had students in his office, and one of these, G. W. Humphrey, is commencing a promising career at the Shelby County bar, and occupies the rooms so long held by his instructor.

Before the war and for ten years after, a large part of the litigation in the Circuit Court of Shelby County was managed by lawyers from Palmyra. Col. Anderson, R. E. Anderson, W. M. Boulware, Col. McCale, Col. Lipscomb and "Counsellor" Prattle attended every term. But for the past twenty years, be it said to the credit of the bar of this county, few cases have been tried which have not been managed by home talent; and at present the Shelby bar is composed mainly of young men who promise the ability and learning to keep up the reputation of the profession. It is said (I question the truth, however) that Horace Greeley once said that the only good of a lawyer was to be hanged. No profession has

done more for the public good than the legal one. The lawyer helps to adjust the conflicts that necessarily arise, and to maintain law and order, without which we should soon sink into barbarism. The lawyer is a necessity (if he is an evil, then he is a necessary one) in all civilized countries.

MONROE COUNTY BAR.

A little more territory was given to Shelby's neighbor on the south of her, and that county was established four years sooner, in 1831. As was the case in Shelby, so in Monroe, the first Circuit Courts were held in dwelling houses, and these were built of logs.

James R. Abernathy was the first lawyer of note, and was a character that attracted much attention for many years. Born in Virginia five years before the close of the last century, at the age of twenty-one he made his way to this State and taught school among the pioneers of Marion, Monroe and Ralls County, and while thus engaged, application was made to him to recover a stand of bees—a "bee gum," as it was called. "Abbey," as he was familiarly named, found a copy of the statutes, then a small volume compared to its present bulk, and looked the index through for "bee gum," then for "bees," and finally for "honey." He had an idea everything had to be in that book. Being disappointed, he commenced turning the leaves until he found the chapter on "Forcible Entry and Detainer." "Ah," said he, "I have it." He instituted his action under this chapter and secured the "bee gum."

This encouraged him, so he commenced pleading cases before the Justice Courts. He studied law, or said he did, and when the county was organized became a full-fledged lawyer, being then about thirty-six years of age. He held many offices, being Justice of the Peace, Circuit and County Clerk, Treasurer, etc. He also edited the Paris Mercury, helped to organize the Christian Church in Paris and was for a long time Circuit Attorney, traveling over twelve ocunties to prosecute offenders.

His was a long and eventful career, as he lived to be over ninety. Like Rip Van Winkle, he slept for a number of years—six or eight. During this time he was in a semi-dormant state. At the end of the period he aroused himself and was livelier than ever before. This occurred about the time he was eighty-five years old. He was full of spirit and fun, enjoyed jokes and pranks, and this trait was even more marked in his old age than in his younger days. He never was very much of a lawyer, yet he had a long and varied practice. It is related that Judge Jack Gordon, himself a fine lawyer, was appointed to examine Mr. Abernathy when he applied for admission to the bar. He talked with the candidate and finding his legal knowledge deficient, asked him if he could sing and dance, which being answered in the affirmative, reported to the Court that the candidate knew little of the common law, "but was h—l on the statutes," and all through his long career at the bar "Abbie" relied on the statutes and paid little attention to anything else, save the Supreme Court reports. He raised quite a family of accomplished daughters, one of whom married Hugh Glenn, who became a noted California ranchman. The stories that are told of "Abbie" are many, but space forbids repeating them here.

Col. Phil Williams. Another of the early lawyers of Monroe County who lived to a ripe old age was Col. Phil. Williams. He settled in Paris soon after it was laid out and there he died in 1881 at the age of eighty. He amassed a fortune of $150,000, by strict economy and diligence in his profession. It is my understanding that he never married; at least he had no children, and lived a very quiet life.

William J. Howell. One of the men who gave character and standing to the bar of Northeast Missouri was William J. Howell. He was a thorough lawyer, skillful and learned. He was not an orator, but few men were his equals in the examination of witnesses and the management of cases. His shrewdness was the envy of many other practitioners. He seemed to have the faculty of *smelling* fraud, deceit or any trickery, and he knew just how to meet these. One well acquainted with him would know by the twinkle of his small gray eyes that he knew he was on the right scent. Though, as stated above, he was not an orator, yet he was an effective speaker, as he familiarly talked over the facts in his case with the jury and reasoned with them in a way difficult to resist. In personal appearance, in his later years, he resembled in a striking manner the pictures of Gen. R. E. Lee. He had also many quaint and peculiar expressions, although his conversation showed the man of broad and varied knowledge and culture. The writer was once demanding $500, in the settlement of a case against Maj. Howell's client, when he remarked, "Oh, roost a little lower and we'll crawl to you." In discussing Judge Redd's fondness for ancient things, the Major said, "Yes, he thinks the black letter law only, worthy of consideration."

When a small boy he came in 1813 from Kentucky with his father, who settled on a farm in Marion County, but from youth the subject of this sketch was thirsting for an education, and improved every opportunity. Before he was of age he was elected Circuit Clerk of Monroe County. Afterward he studied law in the office of Uriel Wright of Palmyra, and as soon as admitted to practice he settled in Paris. He acquired practice and rose rapidly. Before the war he owned 4,000 acres of land and was a large slave holder, but he was a staunch Union man. About 1844 he was elected to the Legislature and was a party to the change of county boundary lines, giving a strip on the north to Shelby, still called "Howell's Cut-off." This displeased his constituents and the Major afterward remarked: "I lopped off a piece of the county and so my constituents lopped me off." Maj. Howell was a manly man. He had a large family, his daughters, especially, being noted for their culture, refinement and womanly grace. At over three score and ten he departed this life, at peace with the universe, and mourned by a wide circle of friends.

Samuel A. Rawlings was a brilliant man, a little erratic, but possessed not only of good parts but he had most of the manly virtues. He studied in Palmyra and practiced in Paris, until the war broke out, when his impetuous Southern blood rushed him into the Confederate Army, where he did gallant service and won the rank of Colonel. After the war he settled in Shelbina and became editor of the Democrat, and continued in this position until he died in 1875. Before the war he represented his County in the Legislature and made an excellent record. Col. Rawlings was an ambitious man and was several times defeated for office, which saddened him. His mind was well disciplined, stored with knowledge, and he was a good speaker and a fine writer. He left a widow and a large family of small children, all of whom are now intelligent and useful citizens.

A. M. Alexander was a noble specimen of manhood, large, fine-looking, intelligent, kind, noble. Born in Kentucky, raised in Monroe County, educated at the University of Virginia, he commenced practice at the close of the war, at the age of thirty, and rapidly attained distinction. In 1875 he was one of the distinguished members of the Constitutional Convention; served as Prosecuting Attorney three or four terms, and was one term in Congress. He was a good lawyer and a very able prosecutor, the enemy of everything wrong. About 1873 he was chosen Grand Master of the Grand Lodge of Odd Fellows in this State, and his brethren in that order always idolized him. His sudden death a few

years ago was a great shock to the community. He raised two sons, but Paul, a brilliant young lawyer of Kansas City, died suddenly, like his father, and the other is the editor of the Paris Mercury.

THE HANNIBAL BAR.

In the later years there has been much more litigation in the Hannibal Court of Common Pleas than in the Circuit Court at Palmyra, the county seat of Marion, and there has always been a good bar at the former place.

Richard F. Richmond. Among the earliest members of the bar at Hannibal was Richard F. Richmond, a very brilliant man, whose father was a Massachusetts Yankee who went to Kentucky, and there the subject of this sketch was born, grew to manhood and became a lawyer. At thirty, when he settled in Hannibal, he had already become distinguished. In 1844 he was elected to the Legislature, in which body he was a leader and a staunch friend of Col. Benton. With his eloquence he could move a jury and carry an audience almost as he pleased. He was humorous, brilliant and a splendid story-teller. He died many years since.

Al. Lamb. Of this gentleman, perhaps the greatest lawyer that ever practiced in Marion County, the writer has not been able to find any definite data. He was regarded by the bar as a power. He served one term in Congress, and died fifteen or twenty years ago at a ripe old age. He was of good build and size, with a massive brain.

R. F. Lakeman was a lawyer of ability and standing, who reflected credit on his town. He was a polished man, and one of the finest conversationalists of his generation. He was largely connected with the building of the Hannibal & St. Joseph Railroad, and of the eastern end of the Missouri, Kansas & Texas also. As a State Senator from 1876 to 1880 he discharged his duties faithfully and with credit. He died about fifteen years ago before reaching old age.

William P. Harrison. Another brilliant lawyer who shed luster upon the Marion bar was William P. Harrison. His perception was so quick that when on the bench he always saw the conclusion to which an argument tended long before it was completed, and often anticipated and helped out the slower lawyers. He had a very extensive practice and was on the bench or at the bar from 1848 to 1890. He died at a ripe old age. During life he held many positions of trust from Register of the Land Office at Palmyra, appointed by President Pierce, to Judge of the Circuit Court, and everywhere he discharged his duties with fidelity and great ability. He was an unconditional Union man and was aide to Gov. Hall with the rank of Colonel.

Wm. H. Hatch. This gentleman gained a national reputation in politics and as a statesman, and in his best days was a magnificent looking man and a fine orator, and always courteous and pleasant. He came from the Blue Grass State and settled in Hannibal in the 'fifties and was elected Circuit Attorney before the war, in which position he gained a fine reputation as a prosecutor, but the war came on and he went South. After the close of the war, when "Peace again spread her white wings o'er the land," he resumed practice in Hannibal and became especially noted as a criminal lawyer, but his celebrity was greater as a political speaker. After repeated efforts, in 1878 he secured the Democratic nomination for Congress, and held his place in that body until 1895, and there he gained his greatest distinction. In 1892 he was a candidate for Speaker, and was often called upon by the

Speaker to preside over the House. Col. Hatch was a man of great force and power, and his friends were numbered by the tens of thousands. He died at his home in the late fall of 1896.

THE LEWIS COUNTY BAR.

At an early date there were a number of strong and brilliant lawyers at Monticello, the judicial seat of Lewis County.

James J. Lindley, who was born in Ohio and studied law in the office of Anderson & Dryden at Palmyra, and then opened his office at Monticello in 1845. He was poor, and for a time was unable to pay his board, but his landlord patiently waited on him, seeing, no doubt, that the youth had good material in his make-up. Soon he got a start, and being bright, resourceful and a fine talker, he gained practice rapidly. In 1848 he was elected Circuit Attorney for eight counties, in which position he earned great distinction for a young man. In 1853 he had to resign the Attorneyship to take a seat in Congress, having been elected as a Whig over Claib Jackson in a strong Democratic district. In 1857 he went to Davenport, Iowa, and formed a partnership with J. F. Dillon, who afterward became very distinguished as a United States Judge and a legal writer. But in 1864 Lindley returned to Missouri and settled in St. Louis, and the next year he was elected one of the Circuit Judges for that city, which position he held for twelve years. Everywhere he was popular, for he was both brilliant and agreeable. The writer campaigned with him in 1888 and found him one of the most genial, lovable old men he ever met. He died in St. Louis a few years since.

James S. Green. As a reasoner, a logician and a ready and winning debater, the man whose name heads this sketch was the equal, if not the superior, of any who ever lived in this State, and in the United States Senate he found no superior in the degree of influence wielded. He was not an orator, yet he had a good voice, a clear and distinct enunciation, and was always entertaining, chiefly because he crowded so much thought into a few words. The "Old Dominion" was the land of his nativity. From it he migrated to Lewis County in 1838, when he had reached his majority. There he worked on a farm and ran a sawmill, studying law at intervals; sometimes by the light of burning chips and bark in the old-fashioned fireplace. It was in the early forties that he became a member of the bar, and in 1844 he was elected a member of the Constitutional Convention, in which body he took high rank as a debater. During the winter previous to the meeting of the Convention, he acted as a Clerk in the Legislature. As a lawyer he soon proved himself able to cope with any and all of the great men who then adorned the profession in Northern Missouri. Without apparently paying any attention to the trial of a case, he would yet grasp every feature of it and present it to the jury in a masterly manner. His home was at Monticello. In 1846 he was elected to Congress and re-elected in 1848, where he gained much reputation. In 1853 President Pierce appointed him Minister to New Granada, but this position did not suit him, and he returned soon. Again in 1856 he was elected to Congress, but before taking his seat was chosen Senator, and in that body demonstrated his abillity to grapple with the "Little Giant" (Douglass), with Senators Seward, Sumner and all the other great men of that distinguished body, and could present questions more clearly and logically than any of them. He was an ultra "State's Rights" Democrat and favored secession, and in 1861 was expelled from the Senate for disloyalty. This was practically the end of his brief but remarkable career. He went South, but found no field suitable to the display of his

great talents. After the war he located in St. Louis, but irregular habits had undermined his health and he died in January, 1870, at the age of fifty-two. The writer never saw him but once, and that was in the fall of 1867 at a term of court at Monticello, and he was impressed with the fact that Ex-Senator Green had the highest head above the eyes he had ever seen.

Among the valuable papers in the possession of James T. Lloyd is a deed executed in August, 1868, conveying to Mr. Lloyd's father a portion of the land which comes to him from his father's estate, by Hon. James S. Green and wife. This is a valuable paper because it furnishes a perfect autograph of Gen. Green.

Addison Reese came to Lewis County from Harrison County, Ky., and was for many years—about sixteen—on the bench in Northeast Missouri. He married Miss Margaret Hunt, who came from New York, and after a long and successful career at the bar and on the bench he died in St. Louis in 1882. One of his sons is now, or was recently, a lawyer at Warsaw, Mo. Judge Reese maintained an excellent reputation, as a man, a judge and a practitioner. The man should always be first, for it is of infinitely more importance that one be a manly man than that he be a great lawyer or a great anything else.

James Ellison. Born in Ireland in 1805, James Ellison was brought to America while a child by his parents, who settled in Ohio, and there the future jurist and father of jurists, grew to manhood, studied and laid the foundation for his future usefulness. He was admitted to the bar when twenty-five years of age, and practiced in the Buckeye State five years. Then the fever that carried so many young men West attacked him, and we next find him near the present site of Canton, Mo., where he lived, and a few years ago he died. He served a term in each house of the Legislature, and also a term on the bench. In all these positions he maintained a high character for probity and ability. He was considered a clear-headed and impartial Judge, uninfluenced by any consideration other than a desire to do right. Thirteen children were born to him, four of whom are now prominent in the legal profession, to-wit: James, a Judge of the Kansas City Court of Appeals; Andrew, who has been on the circuit bench for twenty years; George, a lawyer of Canton, and William, a member of the bar of Maryville. Their mother's maiden name was Martha Cowgill, of Clark County. Judge Ellison was a lover of books, especially of poetry and of Bobby Burns he was exceptionally fond and could quote his poetry by the hour. There was enough of the Irish brogue in his speech to make him all the more interesting.

E. K. Sayer was a lawyer of some prominence in Lewis County, a large land owner, and a man who stood high among the people. The most of his practice was shortly after the war.

Mat C. Hawkins. A good lawyer who practiced the profession mainly just before, during and just after the war, was Mat C. Hawkins. He was also an excellent physician and a fine business man. It is seldom that a man is a success in so many lines, but such was the case with this interesting gentleman, who had his home in Canton.

CLARK COUNTY.

The counties of Clark, Scotland and Knox were organized later than the others mentioned, and hence they did not so early have a bar. Then the men of legal ability and attainments gathered at a few points and they were employed in all the surrounding counties. At the present time, lawyers of ability and learning may be found in every county seat, and in every town of consequence.

Noah M. Givans. In Clark County Noah M. Givans became a prominent lawyer before the war. He is represented as a man of high character, a good, all-round practitioner and in every way worthy of being mentioned among men of note. He held the position of Judge of Probate soon after that court was established in this State and discharged his duties well.

Ben E. Turner rose to distinction rapidly after he entered upon practice. He was born in Lewis County, March 18, 1850, and was reared upon his father's farm. However, he ambitiously dreamed of a wider field and was a diligent student. He completed his studies and was admitted to the bar when he was barely of age. Practice came to him after he opened his office in Kahoka, the seat of justice for Clark, and in 1874 he was elected Prosecuting Attorney and re-elected in 1876–78. The county was and is very close politically, sometimes one and sometimes the other party having the majority, and the fact that he was able to hold this position for three terms speaks well for his ability, fidelity and popularity. In 1880 he was elected Judge of the Fourth Judicial Circuit, composed of Clark, Lewis, Scotland and Knox Counties, to which position he was re-elected in 1886 and again in 1892. About a year ago he died suddenly, in the prime of life, and Hon. Ed McKee, of Scotland County, was chosen to succeed him. Judge Turner was a mild and quiet but firm man and a most excellent Judge. Just before he died there seemed to be before him a bright future filled with many years of usefulness. He had a pleasant home and his hospitality the writer has enjoyed.

Levi P. Wagner appears to have been the only lawyer of Memphis, Scotland County, not still living, whose fame has reached the other part of the State. Whether he was related to Judge David Wagner, who so distinguished himself upon the Supreme Bench, the writer is not able to say, though he has heard they were brothers. At least he was a man of character, a good lawyer, but of his lineage no record is at hand. He died some years ago at a good old age. Since the above was put in print, a son of Mr. Wagner told the writer that his father and the Judge were brothers.

Elias Vickers Wilson. Born in Butler County, Ohio, in 1822, educated at Miami University, admitted to the bar before the Supreme Court at Columbus in 1847, Elias Vickers Wilson, after practicing in his native State two years, settled in Edina, Knox County, Mo. There he soon demonstrated his ability, and practice came to him. Lawyers of merit usually consider it unprofessional to do anything like soliciting, and they never have a case until a client of his own accord seeks the practitioner of his choice. So young Wilson sat back and waited anxiously, how anxiously only the man who has had the experience knows, for the approach of the man in trouble asking for one learned in the law to help him out. How long he waited need not be told, but after he tried one case others came to him in rapid succession.

In 1865 he was appointed by Gov. Fletcher Judge of the Fourth Judicial Circuit, to fill out the term of Judge David Wagner, who had been elevated to the Supreme Bench, and afterward he was elected to the position. Taking this great and most responsible office under the unfavorable conditions during the excitement and bitterness of disfranchisement just after the war, he held it with dignity, and gained the reputation among political enemies, as well as friends, of being a just and impartial, as well as an able, Judge. He was a pleasant man, fond of a joke, but was rather gruff in manner. Some years since he died at a ripe old age, leaving an honored memory.

EARLY JUDGES.

Priestly H. McBride, of Columbia, was appointed Judge of the Second Judicial Circuit, December 11, 1830. How large the circuit was does not appear by any data at hand; but Marion, and a year later, Monroe, and five years later, Shelby, were included as these counties were organized. He made a good record and was elected to the Supreme Bench.

David Todd also appears to have had in his circuit at one time all of Northeast Missouri. He was a distinguished lawyer in Kentucky before he came to this State, and he maintained a high reputation after he settled in Missouri. It is said his mind was a storehouse of knowledge and that he was also a kind and benevolent man. He seems to have been admitted to the bar in 1810, and died at Columbia in 1859.

Ezra Hunt was for many years one of the *nisi prius* Judges in Northeast Missouri. Born in Massachusetts seven years after our independence was acknowledged by England, he graduated with distinction at Harvard, and at the age of thirty settled in Pike County, Mo. He was a polished man and died at the age of seventy.

One of the Judges worthy of special mention and memory was Gilchrist Porter. He was a member of Congress at one time and presided at different times in two circuits in Northeast Missouri. Judge Porter was one of the most courtly, also hospitable, men this country has ever produced. He always and everywhere maintained the dignity and bearings of the best of the old style Virginia aristocracy. He has been dead but a few years.

Judges Redd, Harrison, Brace, Bacon, Ellison, Roy, Reese, Wilson and others are mentioned elsewhere.

For many of the foregoing facts the writer is indebted to the "Bench and Bar of Missouri," by Judge W. V. N. Bay, and to Hon. James T. Lloyd, of Shelbyville, for some facts; but for much he has been compelled to rely on his memory, and if there are errors, as there must be many, it may be attributed to absence of accurate data, and his inability, after diligent inquiry, to find more correct information. He has tried to deal justly with all, and to select a few from the many things that might, and perhaps ought to be said, would space permit. He would have been gratified could he have given much fuller accounts of many of these great and worthy men who have been so briefly mentioned, but he has done what he could.

The following is contributed by Hon. D. H. Moss, of Paris, Mo., who was elected, in 1868, Judge of the Circuit Court, composed of Marion, Ralls, Shelby, Monroe and Audrain Counties, but counted out by Secretary of State Rodman, who threw out the vote of Monroe County. This from the pen of Judge Moss was not written for publication, but as material to be worked over, but it is considered worthy to be published as it is.

John Heard was an old time lawyer, who was a man of high moral character, and of moderate ability as a lawyer. He resided in Paris for many years, was a Jackson Democrat and the first appointed State Register of Lands after the office was created by our State Legislature in 1848. He resided for many years at Independence, Mo., afterwards moved to Sacramento, Cal., and died there a few years ago at an old age.

N. B. Giddings. Another figure of the earlier days of Monroe County, was N. B. Giddings, a man of ordinary ability as a lawyer, but who stood well and belonged to an old and highly respected pioneer family. He was elected Captain of a volunteer company in 1846 that took part in the Mexican war. After he returned he located at Savannah, Andrew

County, Mo., and died in 1897 at an old age, leaving as his town papers said, a splendid record of a useful and valuable life.

James Carr. A good deal could be said of James Carr. He came to Missouri about 1850 from Pennsylvania and taught a country school in Monroe County for several years. As our prejudices ran pretty high in that day against what were called "Northern people," and Mr. Carr being young and green, quoted himself to the people here as being from Virginia, as he thought that would sound better to the chivalrous Southern people. Whilst teaching, he was reading law and was a close and persistent friend of Blackstone's Commentaries. After a few years he located in Paris to commence the battle for a living at the practice of the law. He had very little money and being compelled to practice a rigid economy, he got a small 14x14 office room, and not being able to afford a table he put a board on the arm of a "split bottom" rocking chair, and on that he for some time did his studying and writing. He never was, in my judgment, a brilliant man, but he was possessed of a good mind and a firm memory, and being an industrious, persistent and good student, he managed to acquire a large store of valuable law book knowledge and it got to be said of him whilst he resided here that he knew a good deal of law. For some years, until the commencement of the war in 1861, he was in partnership with L. A. Pindall. Mr. Carr was never in my judgment a good or effective speaker, and not being a good judge of human nature, he did not understand as well as the average lawyer, how to manage jury cases. He found it a difficult task to compete with the average country lawyer, as many who did not know as much law succeeded better in the practice; but he continued to fill his head with what the books said, and turning his attention especially to corporation law, just after the war in 1865 he was employed as attorney for the Hannibal & St. Joe Railroad and moved from Paris to Hannibal, where he resided until he moved to St. Louis. Mr. Carr received for many years a good salary from the railroad company, and I believe, filled his position ably and faithfully. Finding corporation law suited to his talents and make-up as a lawyer, he made it the specialty in his profession and as such I think he stood well before the Courts and with the leading lawyers of St. Louis, especially in that department of the law. He succeeded in making money, and when he died a few years since in St. Louis left a good estate for his family. He was a man of high moral character and no man, I believe, was truer to his clients.

Lebbens A. Pindall. A young Virginian who studied law with Judge Brockenbrough, a noted Judge and jurist of that State, was Lebbens A. Pindall. He was a young man of a good mind, bright and genial in his nature. He came to Paris in 1854, entered into co-partnership with James Carr, and his prospects for success at the bar were right good. He was gaining ground in his profession, but his veins being filled with Southern blood, he entered the Confederate service at the beginning and remained in it until the close of the war. He then located in Arkansas, where he and his brother, X. Pindall, did, for many years, a large and lucrative practice. He represented his county, Desha, two terms in the Arkansas Legislature. Mr. Pindall was a high-toned, honorable man, warm-hearted, a good lawyer. He had a bright future before him, but died some ten years ago, leaving an honorable record and a good property for his family. I knew him well and esteemed him highly, notwithstanding we sometimes had lawyers' "spats" in the courts.

ANECDOTES AND INCIDENTS.

Judge Redd was a great reader of dime novels. He seemed to read them for the intox-

ication they gave. Sometimes he would be so absorbed that he would forget to open Court on time. One day at Paris an hour past time for calling the docket, and no Judge appearing, Col. Anderson came in and remarked: "Take it easy, gentlemen, the Judge has 'Texas Joe.'" At one time the Judge became vexed at members of the bar twitting him about his (novel reading) habit and he retorted: "Gentlemen, I have learned more law from dime novels than some so-called lawyers have from Blackstone." The Judge was usually tardy, but one time he was in a hurry to get through at Shelbyville and he opened Court and commenced calling the docket at 6.30 a. m. The word was hastily sent out and the members of the bar came rushing in rubbing their eyes.

Mr. Giles used to tell about going to try a case in a Justice Court, and the Justice did not have the statutes. Mr. Giles asked by what law he proposed to try the case. The Justice, with ready Irish wit, replied, "By the law of Moses." To another Justice of the Peace he was reading the law, which to the mind of the magistrate appeared contrary to right, and which caused him to exclaim with great emphasis: "Damn the law! I'm for justice!"

Charles Clay, a distant relative of the great Henry of national fame, was far more than "six Roman lustrums," a Justice of the Peace in Monroe County, and was a good, kind man. After the writer had read the law to him once, he looked up and said: "You want me to take that law, do you?" The reply was, "Yes, you are governed by the law, are you not, Squire?" "Sometimes I am, and sometimes I ain't," was his reply.

On another occasion a lawyer was trying to rule the plaintiff to security for costs, when Squire Clay said to the plaintiff, "Have you a just cause?" "Yes," replied the plaintiff. "Have you your witnesses to prove it?" "Yes." "Well, then it shall never be said that in Squire Clay's Court a man was denied justice when he had an honest case and the witnesses to prove it, because he could not give security for costs." He entered this at length in his docket. This reminds the writer of the entry of a Texas Justice of the Peace. His docket read: "Comes now the plaintiff and asks for judgment on his account. Comes also the defendant riding on horseback, and for answer says to the Court, 'Go to hell you d——d s—n of a b——h;' wherefore it is considered and adjudged that plaintiff have and recover his account, amounting to $3.60, and that the defendant take back so much of his answer as refers to this Court, and that execution issue therefor."

One A. C. Mallory was a pettifogger and a Justice of the Peace in Clarence, Shelby County, for some years. He and Senator C. S. Brown, who was a fair lawyer and a nice man, were trying a case in a Justice Court, and the Senator read a decision of our Supreme Court, which clearly sustained his side of the case. He then threw the book down with an air of victory. Mallory picked the book up and said: "Gentlemen, that is all right, what Senator Brown read, but the most important part he did not read, and that part which was omitted gives the case to me. What the Senator read was only the opinion of Judge Sherwood, and there are four other judges. The decision says these four *conquer*" (he so pronounced the word concur). "The four conquered, and hence they are on my side."

When Mr. Giles was Prosecuting Attorney, Mallory had a young man arrested for seduction under promise of marriage. Mr. Giles found that the seduction occurred in Monroe County, though the parties then lived in Shelby, and he suggested this to Mallory. The latter replied: "But it has continued over into this county." He evidently thought it would be like stolen property; the offense could be laid in any county into which it was carried. This same Mallory lived mainly in Monroe County and was a J. P. there.

He only strayed over into Shelby a while and then returned to his first love. He ran against the Hon. Robert N. Bodine (now Congressman in the Second District) for Prosecuting Attorney and had the boys laughing and yelling at "Robert," as Mallory called him, so that gentleman was considerably worried. He called "Robert" his "component" instead of his "opponent." He filed a petition for a divorce in which he said "the defendant '*intolerated*' plaintiff's condition," and Judge Theodore Brace sustained a demurrer to his petition on account of this word. In trying a case with Mr. Bodine, that gentleman read some decisions of the Supreme Court. Mallory replied: "Now here, gentlemen, Mr. Bodine has brought decisions from the Supreme Court. Why he well knows that those decisions were only intended for the Circuit Court, and were never intended to be used or followed in a Justice Court." He won.

As a specimen of a verdict, take the one rendered by an intelligent Monroe County jury before a J. P. given below. The facts brought out in evidence showed that Harrison rented of Saunders a farm for which he agreed to pay $75, but in the fall Harrison died, and there being less property than the law allows the widow, it was all turned over to her, and she made a sale. Saunders said to her: "I have a lien on the crop for my rent. Now, if I buy at your sale, can it go on the rent?" She answered affirmatively, and he bought $100 worth, some hogs being run $6 above real value. Saunders paid her $25. She said she was not able to pay all the rent, and it was agreed that $50 should go on the rent, and that Saunders should pay her $25 more, but as he did not do it immediately, she sued him for all of the $75. After two hours' deliberation the jury returned this verdict: "We, the jury, annul all contracts, and remit the landlord to his lien on the crop for his rent. We find that Saunders paid $6 too much for hogs, and that Saunders pay the costs.—JOHN LASLEY, Foreman."

Shelbina, Mo.,
January, 1898.

RIDING THE CIRCUITS IN SOUTHWEST MISSOURI.

BY CHARLES B. McAFEE.

Before the war, Southwest Missouri had a number of able lawyers, among whom were John S. Phelps, John S. Waddill, Robert Crawford, John C. Price, William C. Price, Nathan Bray, Littlebury Hendricks, John R. Chenault, R. W. Fyan, James L. Rush, S. H. (Pony) Boyd, D. C. Dade, James F. Hardin, Mordicea Oliver, Burr Emerson, Sherwood & Young, W. F. Geiger, J. H. Show and many others less known perhaps, but not attorneys of inferior ability. Some few of these died during the war; the others survived and were shining lights in the profession for years. William C. Price, D. C. Dade, Mordicea Oliver and Judge Sherwood are still living; the others are all dead.

They were all old time lawyers. They "rode the circuits," had few books then, and took none with them. Legal arguments were worth listening to in those days. He who could make the better logical argument without the "precedents" to refer to, was regarded the better lawyer.

In Southwest Missouri, in the years after the war, a lawyer's practice was largely away from home, and often embraced several judicial circuits. The circumstances of those days generally involved an absence from home of from two to eight weeks and the attorney was in court almost every day that he was not on the road. This was before railroads penetrated this country and brought new lawyers into the various counties, supplied them with good legal talent and thereby broke up the "good old circuit practice." We have had less off-hand, sledge-hammer logic ever since. The lawyers use books now, and cite Hough, Norton, Sherwood, Black, Brace, Gantt, Burgess and others, but I have heard some of these same jurists out on the circuit deliver better legal arguments, without books, than I have ever read in the "Reports."

A young attorney starting out on the circuit soon learned whether he could make a lawyer of himself or not, and soon succeeded, or quit and bought a farm, or ran for Justice of the Peace. Circuit practice is gone now, and study of the "horn books" is supplanted by laborious attempts to fathom the "Reports." The railroads bred other calamities besides driving the game out of the country. The best law schools closed when circuit practice ceased. The "sovereigns" don't come to court any more to "hear the lawyers plead."

When the war ended there were few lawyers in Southwest Missouri except in Springfield; few counties had any, but Greene had plenty to spare. They resided in Springfield and rode the circuit, mostly on horseback, over thirty or forty counties, but from 1866 to 1870 the country filled up rapidly, many young attorneys, fresh from college, located in every county. Bright young fellows they were, and others who were experienced attorneys, also came in droves.

This influx gave us a score or so of men who have developed into leaders in their profession. Judge Baker and John P. Ellis anchored in Greene, as did John O'Day, Ben U. Massey, James R. Vaughn, O. H. Travis, J. C. Cravens, R. L. Goode and W. L. Geiger and many others, who although I am not permitted by lack of space to name them, are here now with their shingles out and are the peers of any named. There are likewise a number of excellent young lawyers, born and bred in Southwest Missouri, now permanently located in Springfield, but the good lawyers did not all originate or settle in Springfield, although we claim to be a veritable hot bed in which good lawyers and great men are propagated and developed.

There is W. H. Phelps, who pitched his tent in Jasper. So did Brown, McGregor and other distinguished gentlemen. Morgan stopped in Barton, Stratton in Cedar, Benton and Hubbert in Newton, DeArmond and Graves in Bates, Recho and Upton in Polk, Gibbs and Brumback and Joe Estis in Lawrence.

Very few of these young attorneys who came here after the war, or who have entered the profession since the 'seventies, ever "rode the circuit," yet they have almost supplanted that "jolly old set" who now mourn over the joys of other days, sit about the courts and "listen" to these young fellows "plead" and wonder how they ever learned to be such good lawyers without "riding the circuits." But I suppose study, industry and hunger will accomplish wonders.

In those long past days when all lawyers rode the circuit, examinations for admission to the bar were not the dry affairs they are now. Lawyers were in demand and we "created" them. A knowledge of Blackstone, Greenleaf and Chitty helped a candidate along materially, but committees (who practically admitted candidates then) were not very particular —if the courts could stand it the committee could. If the applicant had read the statute, and Kenney's "Questions and Answers" and presented good "credentials," he was admitted to the bar and we all went along.

During an idle afternoon out on the circuit, an old Justice of the Peace lawyer applied for license. There was no local attorney in the county, therefore litigation was rather slack. The Court appointed the usual committee to take charge of the victim. We assembled in the applicant's room, where "Pony" Boyd was at once appointed Master of Ceremonies, Grand Inquisitor and Chairman of the committee. After the usual preliminaries, lasting some two hours, "Pony" called us from refreshment to labor on Blackstone's first volume, and the "inquiry" proceeded along about the following lines:

Question: What books have you read?

Answer. Law books.

Q. Then, sir, what is law?

A. (Confidentially) Now, "Pony," I did not expect to be made fun of. If I did not know what law is, would I be wanting a license?

The committee ruled that "Pony," the Grand Inquisitor, should answer the applicant's question, but he stood mute and repeated the question in this form:

Q. If you know, or have information sufficient to warrant a belief, as to what law is, impart that knowledge, or belief, or both, to this committee.

A. (Indignantly) "Pony," you ought to know that any one can answer such easy questions as that. If you are going to examine me, stop this trifling and ask me something hard.

The committee reported favorably, he was admitted and "rode the circuit" for many years.

Early in 1865 Missouri Confederates started their homeward march. Nearly all who survived the cruel conflict returned in 1865–6, but owing to the disqualifying provisions of the Constitution of 1865 (which prohibited Rebels and their sympathizers from practicing law), very few lawyers returned. Many able lawyers entered the Southern army from this section, but they found other States where they could resume the practice of their profession, after they laid down their arms. The people of these other States did not seem to be so much afraid of disarmed Confederates as our own loyal stay-at-home Drakeites. These disqualifying provisions of the Constitution created a great opportunity for many men in every vocation, as many of the best ante-bellum lawyers, being thus kept out of the State, made a rich harvest for us "loyal fellows" who could "Take the Oath," and created a place for those young attorneys who flocked into the State from all directions to supply the demand, and the greatest demand was in Southwest Missouri. Almost every man who went South (to enter the Confederate army or remain out of it), was sued by someone while gone or soon after he returned, provided he left property here or brought any back with him when he returned. Big damage suits were brought by the hundred in every county through which Shelby, Marmaduke or Price marched. Shelby, Marmaduke and Price were each sued in many counties, and all of their soldiers, suspicioned of having any property, were joined as parties defendant. The soldiers of Shelby's entire brigade, so far as their names could be learned, were indicted for every crime named in the statutes, except for practicing law, teaching school and praying in public. The Sheriffs made hasty visits to every indicted "Reb," and he was placed under bond. They would all have been committed to jail, but fortunately (for them, at least) the jails had all been burned — that was the offense for which many of them were indicted. The courts could not afford to be very particular about bonds in those days; the Sheriff would have had to run a boarding house unless the Court was his friend. Whenever bail was refused or a bail-bond disapproved, it was regarded as a huge joke on the Sheriff.

A majority, perhaps, of those Confederates who returned to their homes when the war was over were indicted for murder, arson, robbery, larceny or conspiracy, and quite a number were indicted during the war for treason against the State. They were almost all admitted to bail, for the reason before stated, and nearly all gave bond, and the greater portion who could not get bondsmen were practically paroled by the Sheriff. I never knew a single one of them to violate his parole. Phelps & McAfee defended very many of them and went bail for all of their clients. I was not worth much, financially, but I was "loyal" and was accepted as bail until I was obligated for about $100,000, and Phelps for very much more, until finally (when jails were improvised), the prosecutors began to make us qualify, which disclosed the fact that we were on bonds of indicted Rebels in aggregate sums of fifty times more than we were worth, and were consequently rejected and had to skirmish about among our personal friends for bail for these persecuted clients of ours. None of them were worth much and the most of them were almost penniless, yet not one of them for whom we were bail, ever forfeited his bond. Furthermore, I have no recollection of a single one of this vast indicted army that failed to answer "roll-call" in the Criminal Courts, and I am almost sure that none of them ever forfeited their bonds.

No one who went South, whether in the Southern Army or not, was competent (under the constructions then given the Constitution and laws) to sit upon a jury; nor were any of

their kin by birth or marriage competent jurors. No sympathizers were permitted to do jury duty. To practice law under such conditions taxed the ingenuity of the best "circuit riders." Under the *ex parte* condition of things it would not do to go to trial where we had a Rebel or sympathizer for a client.

The attorney who could write a third or fourth application for a continuance and make it *go*, was confessedly the best lawyer. Strategy was worth much more than "book larning" in those days, and diplomacy was at a premium. My lamented old friend, Judge Waddill, was admitted to be the best lawyer on continuances in all Southwestern Missouri. (He was not surpassed, however, by any in other branches of the law). He was hardly ever "driven to trial" until he wanted to try. The other side often hunted up and brought to court the Judge's own witnesses, but he was always equal to the occasion—he never went to trial. The Judge got into such a habit of securing continuances during these perilous years that he could not quit it after the necessity for it had passed. I once knew of him filing an application for a continuance just after he had reported the death of his client. He knew better, of course, but he was such a slave to the habit that having his blank application already filled out, he filed it out of abundant caution. He is gone now, but if he does not worry a continuance out of St. Peter on the "Great Day," none of the rest of us need try. Grand old man! He died "on the circuit" with his harness on. I have always regretted that he did not spare time from his busy life to write a work on "Continuances." However, we were all pretty good on continuances—we had to be.

At an early day in one of the counties out west of Springfield a Deputy Circuit Clerk made application for admission to the bar. He had absorbed more law perhaps by listening to the lawyers and observing their "strategy," and filing their pleadings, than he had acquired by reading Blackstone. However, he wanted a license, and His Honor turned him over to the tender mercies of the usual committee, who put him through the usual catechism on "Old Pike's" table of liquid measure, and there being no objections by any of the committee, as to his attainments on that branch of practice, we proceeded further as follows:

Q. What is the first pleading on part of the plaintiff?

A. A petition sometimes called a complaint or declaration.

Q. What is the first pleading on the part of the defendant?

A. An application for a continuance.

He was admitted without a dissenting vote.

When we had exhausted our rights on continuances, we applied for a change of venue on account of the prejudice of the inhabitants of the county. This gave us another stay for perhaps six months (we had only two terms a year then). We could often pick a flaw in the transcript, which we hailed as an interposition of Providence. The pleading then was for a rule on the Clerk for a perfect transcript, and we got another six months. We were now in another county, but before the same Judge, but we often worked him for another continuance. (Judge Waddill always did). If we failed to get one or two continuances and had to come to "taw" (as we called it when seriously threatened with a trial), we obtained a change of venue on account of the prejudice of the Judge. By this time if the Judge was not badly prejudiced, it was not our fault, so the affidavit was strictly true, besides His Honor felt relieved to get a case off his docket even in that way. The office of Judge was no "bed of roses" in those days. Another change of venue was granted, and off it went as far as we could send it, yet some of the plaintiffs hung on and followed their

cases; many others quit in disgust. The law was not so strict then about changes of venue and continuances as it now is. If it had been, the most of the ex-Rebels' property would have changed owners. In some cases the party on one side or the other died, and if we did not score another year's delay, we were not in luck.

It may be thought that these cases were by this time ready for disposition, and that some facts about the way we tried them may be interesting. Waddill never tried any of his. A few were tried and the plaintiffs always won. The defendant's attorney sat by during the trial making objections and saving exceptions, giving the plaintiff rope, and making it pleasant for His Honor. Luckily on appeal, the few that were tried were generally reversed and remanded. That was usually the last of them. It was much harder for an ex-Rebel to get a verdict then before a jury than it is now for a railroad company to get a verdict in the lower courts. It would have been an act of *hari kari* to have gone to trial in any of these war damage suits. Why, it was seldom, if ever, that some one of the petty jury empaneled to try a case did not have a similar case of his own pending against some other Rebel. This condition of affairs continued until 1870–71, when the Republican party got up a split over the policy of such laws. The result is a matter of history—disfranchisement ceased. Every one thereafter was a competent juryman, and about ninety per cent of these long-continued suits were dismissed and the most of the others defeated. Nollies against Shelby and his command were entered or the indictments thrown in the waste basket.

I make these slight references to politics only because the practice in Southwest Missouri was vitally affected by the then existing laws, but I want to say, that the Republican members of the bar here were generally opposed to these laws, as was a majority perhaps, of the party in this portion of the State, as the election thereafter in 1870 amply proved. In fact the movement to do away with all such obnoxious laws, originated with Republicans in Southwest Missouri and in Greene and Webster Counties. Nearly all of the lawyers who practiced in those eventful years are gone, but their places are well filled with those who had just commenced to divide business with the "Old Set," and who practically put an end to the old circuit practice, and there are hosts of bright young lawyers showing up all over Southwest Missouri ready to take the place of those who supplanted and succeeded the "Old Guard." I regard it as only a deserved compliment when I write it down here that the bar of Southwest Missouri is surpassed by the lawyers of no other section of the State. As a body they are well versed in laws, courteous, honorable and an honor to the profession, but I now think that some of them would have succeeded admirably in the days of "continuances and changes of venue" (I am on the bench now). They worry me no little.

The "circuit habit" became so fixed in the old days, that J. H. Show, of Greene, and Joe Estis, of Lawrence—two invincibles before Justices of the Peace, organized a Justice of the Peace circuit, embracing Greene, Lawrence and portions of adjoining counties. The Justices had regular law days then, and Show and Estis arranged to practice before them something after the plan of circuit riding in Southwest Missouri. They were rivals; always on different sides, they had no books and did not know enough law to embarrass them. They met in the western portion of Greene before Squire Blank (the Squire is still living, but Show and Estis are dead), on a case of unlawful detainer, in which the case seemed to depend more upon law than fact. Neither had any law book or Reports. Show and Joe argued after the old circuit practice fashion for a whole day, and sorely perplexed the

learned Justice, who finally appealed to them for sympathy. He protested that he had the utmost confidence in each of them as lawyers, "but what am I to do?" he said. "You attorneys differ so widely about the law and we have not the books that each of you claim settles the case. So how am I to decide it? If we had the books, there would be no trouble, as each of you claim, but what am I to do without these books?" Show, who was always equal to any emergency (especially before a Justice of the Peace), deliberately rose and said: "Your Honor, I fully appreciate the dilemma in which we are placed, but to the legal mind there is an easy way out of it. Mr. Estis will not deny this legal proposition contained in the books cited by me, as well as in his own, to-wit: That in the trial of any case the best evidence must be first used, but when the best evidence can't be obtained, the next best evidence must be resorted to. Does the gentleman deny this?" Estis remarked that this was the only sound legal proposition that the gentleman had presented before His Honor since the trial commenced.

Show knew he had him then and rose and said, "Your Honor, I congratulate you on the easy way out of all this seeming perplexity. Mr. Estis admits the soundness of the legal proposition I have presented. He could not do otherwise. Now, your Honor, as the books are the best evidence of what they contain, but as the books cannot be produced, we must resort to the next best evidence, that is, proof of what the books contain. Your Honor, I am ready as a lawyer to testify. Swear me!" Joe bolted for the door, mounted his borrowed horse and rode him to death trying to catch the south-bound stage coach, left the country, quit the practice, and lost his health trying to regulate a district school in Texas. He never recovered from the shock of Show's logic. Show moved to Eureka Springs and raised "Cain" generally down there—joined the "W. C. T. U.," but the water was too thin for his blood and he got out of the whole dilemma by dying.

I learn that my old friend, Judge Elijah H. Norton, is to write on "Early Practice in the Platte Purchase." I knew the Judge when he was "riding the circuit" as Circuit Judge up in the Platte Purchase. He traveled horseback and his saddle skirts were longer than his stirrups, so Jim Craig used to say. Jim Craig used to tell many jokes on the Judge, one of which I will repeat, for I feel certain Judge Norton's modesty will prevent his referring to it. I wish Craig were alive to tell and embellish it. Up in that part of Missouri some of the streams are quite wide, not deep but a little murky, so that the bottom is not easily seen when the water is no more than a foot deep. The Judge in riding from one court to another in those days, had the usual number of lawyers on the circuit with him. Jim Craig said that the Judge often lagged behind so as to be alone, that "he might think up some variation in his next charge to the Grand Jury." On one occasion when the Judge had fallen some distance behind, Craig and some half dozen other lawyers came to one of those streams and in crossing over took their coats and vests off and were in the act of putting them on again when the Judge came in sight. As he rode up to the further bank Jim called to him, saying, "Norton, your horse is pretty tall and it may not swim him, but you had better do as we have done, and then you will not get wet; just take off your clothes and hold them up and you will cross over safely. We will ride on." Craig said they went a short distance and watched the Judge. He dismounted and disrobed, got back upon his tall horse, with his clothes in a bundle on the pommel of his saddle, ready to hold them up higher when necessary, and rode carefully across, but the water was not knee deep to his horse. By the time the Judge re-made his toilet, Craig was far enough ahead to insure his safety.

If the Judge is jealous of this trespass on his territory, tell him that I consent that this joke may be tacked onto the tail end of his piece.

Yes, "riding the circuit" has passed away, and few, very few, of these old lawyers remain.

"Still o'er these scenes my memory wakes,
And fondly broods with miser care;
Time but the impression deeper makes,
As streams their channels deeper wear."

Springfield, Mo.,
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MUNICIPAL LAW IN MISSOURI.

BY W. C. MARSHALL, City Counsellor of St. Louis.

A BRIEF reference to the origin, history and development of cities, is necessary to a correct understanding of the law applicable to municipalities. The body of the laws of Missouri is taken from the common law of England as it was prior to the fourth year of the reign of James I. and from statutes which are of a general nature, not local to that Kingdom. (Rev. Stats. Mo. 1889, Sec. 6561).

The civil divisions of England were established by King Alfred into:

1. Counties. 2. Hundreds. 3. Tithings or Towns.

An indefinite number of hundreds made up a parish (as it was called under the ecclesiastical reign), or county (as it was called in Saxon), or shire, as it was sometimes called. The hundreds, as the name indicates, were composed of a hundred families, or ten times ten families each, and the tithings or towns comprised ten families. This idea of the subdivision of the civil power was borrowed from Germany and Normandy. The purpose was, first, to bind the ten families into one, and thereby make each a surety to the King for the good behavior of the other, and to be responsible for its own disorders; and second, to facilitate the collection of the tithes, which was a tax in kind, of one-tenth of the crops raised by the people. Each division had its own chief or ruler and exercised limited powers of government. Cities or towns were sometimes called *counties corporate*, and, out of special grace and favor of the Kings, were granted the privilege of being *counties to themselves*, to be governed by their own Sheriffs or other magistrates, so that no officers of the county at large had any power to intermeddle therein. Such was the organization of London, York, Bristol, Norwich, Coventry and many others. The original charters of the American Colonies were based upon the same principles. These charters were revocable at any time, by the Crown, and the old charter of London, granted by Henry I. in 1100, was taken away by quo warranto in 1683, the Judges yielding to the will of the King, notwithstanding no legal grounds therefor were alleged or proved. About eighty other municipal charters in England were likewise taken away about the same time. That of Massachusetts was taken away in 1684, and those of Rhode Island and Connecticut in 1687. The charters of Massachusetts, Rhode Island and Connecticut were restored, as a result of the English Revolution, in 1688, but those of London and the eighty other municipal corporations were not fully restored until the "Municipal Corporations Reform Act" was passed in the reign of William IV.

The divisions of civil government in the United States are radically different and proceed upon entirely different principles. With us the powers of the Federal Government are limited and delegated, whilst those of the States are limited only by the will of the people. The powers of the cities are derived from the States that created them, and are such as are delegated or are incident and necessary to the power delegated, and within their scope are

as full as the power of the State, and, in fact, *are* the powers of the State exercised by the cities under the express authority of the State. Our counties are also political subdivisions of the State.

The distinguishing differences between our government and that of England are, first, in England, all power is centered in the King, and is by him delegated but never parted with, while with us all power is vested in the people, and every form or character of government is by the consent of the people, the Federal, State, county and city organizations being mere agencies for the performance of the people's wishes and the transaction of the people's business, and may be changed at the pleasure of the people; second, in England, the counties, counties corporate and cities exercise acts of government but not of sovereignty, whilst with us each political division or subdivision is sovereign within the scope and limits of its powers; third, in England, counties had no power of taxation for local purposes and hence no revenues of their own (the tithes belonging to the Crown), and the title to the highways and all other property in the county being in the King, the counties were not subject to suit in reference to county management, as that would be an indirect recovery against the King, who could do no wrong, while the cities were liable to private actions for negligence, because their charters were usually granted for business purposes and for the private advantage of the favored few to whom the charters were granted and were not for the benefit of the whole people, and it was generally provided in such charters, as a burden linked to the benefit, that the city should maintain the King's highways and manage the King's property, and hence the practice grew up in courts of allowing suits against the cities.

In the United States we proceed upon a different theory. In most of the New England States the courts hold that their cities exercise governmental powers only, and have no business powers or resultant responsibilities unless expressly made so liable by their charters. In the Middle and Western States, however, the law is broadly stated to be that cities have a *dual* capacity: First, governmental; second, business. For acts done in their governmental capacity, there is no liability, but for negligence in the transaction of their business powers, they are liable in the same manner as private corporations or individuals. The rule followed in the Eastern States is logically in harmony with the history and formation of cities, whilst that followed in the Middle and Western States rests upon judicial precedent, which has grown up from a failure to distinguish between the history, organization and liability of cities in England, and the structure, powers and responsibilities of cities in the United States, and sprang from following English cases, without noting the reasons for those decisions and their inapplicability to our conditions and form of government. The results are incongruous and irreconcilable and present some queer contradictions. Missouri follows the rule of the Middle and Western States, and the purpose of this article is to call attention to a few of the results and consequences in this State.

In Murtaugh vs. St. Louis, 44 Mo., 479, the plaintiff sued the city for injuries caused by the negligence of the hospital officials while treating him, a charity patient, at the City Hospital. The Court held that, "where the officer or servant of the municipal corporation is in the exercise of a power conferred upon the corporation for its private benefit, and injury ensues from the negligence or mesfeasance of such officer or servant, the corporation is liable, as in the case of private corporations or parties; but when the acts or omissions complained of were done or omitted in the exercise of a corporate franchise conferred upon the corporation for the public good, and not for private corporate advantage, then the cor-

poration is not liable for the consequences of such acts or omissions on the part of its officers and servants,'' and the Court referred to cases where the same rule obtained in New York, Virginia, California, Alabama, Louisiana and Kentucky, and accordingly concluded that as the hospital was maintained at public expense (and not for the private profit of the city) in the exercise of its governmental powers, for the good of the public, the city was not liable in the action.

This case follows the letter, spirit and logic of the rule of municipal liability.

Armstrong vs. the City of Brunswick, 79 Mo., 319, was a suit for damages to the hotel of the plaintiff, on the ground that the city permitted the owner of lots adjoining plaintiff's hotel to use them for pig-pens, thereby creating a nuisance and impairing plaintiff's enjoyment of his premises. It sought to hold the city liable, because, under its charter, it had the power to abate nuisances, and had not exercised such power. The Court held that the power to abate nuisances is a police power, conferred upon a city for public good, and not for private advantage, and hence the city was not liable for a failure to exercise this governmental power. Murtaugh vs. St. Louis is cited, approved and followed.

Reardon vs. St. Louis County, 36 Mo., 555, was an action for damages for the death of plaintiff's husband, caused by falling off a defective bridge on a county road. The county was held not liable. The distinction between governmental duties or powers of counties, and powers conferred for their own benefit, is strikingly pointed out, and the cases decided in the New England States are reviewed and shown to be authority for a recovery in such cases only where the action is expressly given by statute. It is well here to note that under the law as it then was (and now is), the county had a right to levy a tax to raise money to keep the roads in repair, just as cities now have.

Heller vs. Sedalia, 53 Mo., 159, was a suit for damages for the negligence of the fire department in failing to extinguish a fire in the plaintiff's brewery. The Court held that the plaintiff was not entitled to recover, saying: ''The creation of the fire department was not for the peculiar benefit of the corporation, but for the public. The officers of the department, although appointed by the city, are public officers, and not the agents of the city in the sense that renders the city liable for their acts or omissions of duty.''

McKenna vs. St. Louis, 6 Mo. A., 320, was an action for damages for the death of the plaintiff's son, by being run over and killed by a fire engine on its way to a fire. The Court held that plaintiff was not entitled to recover, saying: The fire department was maintained for public good, and hence the city was not liable for negligence in its management, nor was it liable for negligence ''of officers charged with the public health, the establishing of regulations for the suppression of vice, and other matters of public concern in which all people have a common interest, which it is the chief end of every good government to protect.''

Hannon vs. St. Louis County, 62 Mo., 313, was a case where the county was sued for the death of plaintiff's son, caused by the caving of an embankment of a ditch which had been dug by a contractor with the county for the laying of water pipes to carry water from the city's water mains to the county's insane asylum. The deceased was employed by the contractor and was working in the ditch when the sides caved in from not being properly shored. A demurrer to the petition on the ground that ''the county is a political subdivision of the State of Missouri, and not a body corporate, either public or municipal, liable for the laches or misconduct of its servants or employes,'' was sustained by the lower Court. The Supreme Court reversed the judgment. The case is interesting because the

Court admitted that "towns are involuntary territorial and political divisions of the State like counties, established for purposes of government and municipal regulation." A similar definition is given of counties, and also says that it was not intended "to question the correctness of the proposition, so generally concurred in elsewhere, asserted in Reardon vs. St. Louis County (36 Mo., 555), 'that *quasi* corporations, created by the Legislature for the purpose of public policy, are not responsible for the neglect of duties *enjoined on them*, unless the action is given by statute,' yet the county was held liable because the laying of water pipe to furnish water to an asylum that was maintained in a governmental capacity, for the good of the people and not for private gain or profit, was *not* a duty *enjoined* on the county, but was a duty (public) *voluntarily assumed* (but not for private gain or profit), and hence the county was liable for the negligence of its agents."

Thus a distinction is drawn between public, governmental duties *enjoined* and those *assumed*.

It might well be said that no governmental duty is enjoined upon a county or city to maintain a hospital or a fire or police department, any more than it is enjoined to have an insane asylum, yet if they are maintained it is in a governmental capacity, for public good at great public expense, and in no sense for private profit, and hence, logically and upon the recognized and admitted distinctions as to liability, it is wholly immaterial whether the duty is enjoined or assumed. In any event it is for public good and the city (or county) is not liable. It is confidently believed that this case will not be adhered to if the question again comes before the Supreme Court.

In Kiley vs. Kansas City, 87 Mo., 103, it appeared that two or three months before the injury complained of, a fire had occurred on private property, but on the line of the street. The brick walls of the burnt houses were left standing and were so unstable as to be dangerous to persons passing on the sidewalk and also to the occupants of a small house on the adjoining lot. The walls fell upon the house and into the street and killed plaintiff's daughter, who was visiting the house. The Court held that it was the duty of the city to keep its streets safe for persons using the streets, *as travelers*, but as the plaintiff's daughter was not killed while on the street as a traveler, the city was not liable, notwithstanding under its police powers it could have (but was not obliged to), prosecuted the owner of the unsafe walls and compel him to remove them. Murtaugh vs. St. Louis, and Armstrong vs. Brunswick were cited and followed in this case.

Ulrich vs. St. Louis, 112 Mo., 138, was a case where a prisoner in the work-house of the city, sued the city for damages caused by being kicked by a vicious and dangerous mule owned and used by the city at the work-house. The Court reaffirmed Murtaugh vs. St. Louis, Armstrong vs. Brunswick, and Kiley vs. Kansas City, and held that the work-house was an institution maintained by the city in its governmental capacity, and hence, the city was not liable for the negligent acts of omission or commission of the officers and agents of the city intrusted with its management.

Carrington vs. St. Louis, 89 Mo., 208, was a case for damages received by plaintiff falling against iron trap doors of a cellar-way in the sidewalk, opening into a building used and occupied by the Police Commissioners as a police station. A member of the police department had opened the doors, painted them, propped them up with a stick and left them to dry. The lower Court instructed that the policeman was not an agent of the city and that his negligence was not the negligence of the city, but left it to the jury to find whether the dangerous condition of the sidewalk and cellar-way was known to the city, or

might have been known to it in time to make the same safe. The Supreme Court held that the case was properly submitted to the jury on the issue. But the Court analyzed the act creating the Board of Police Commissioners to determine whether the policeman was an agent of the city so as to bind the city for his negligence, and whether his knowledge of the dangerous condition of the sidewalk, was the knowledge of or notice to the city. After calling attention to Section 33 of the Police Act, which declares that members of the police force of St. Louis shall be deemed and taken in all courts to be city officers as well as State officers, the Court held that although the policeman was a city officer, yet the city was not liable for his negligent acts because the police department was created for public good and not for private corporate advantage, and hence the city was not liable under the rules laid down in Murtaugh vs. St. Louis, 44 Mo., 479; Armstrong vs. Brunswick, 79 Mo., 319, and Kiley vs. Kansas City, 87 Mo., 103.

Still the Court said that the city was bound to keep its streets in a reasonably safe condition for persons traveling thereon, it was liable if it neglected to do so, and that the city was liable for the negligent use of its own property the same as private corporations, and that though the property in this case was a police station, yet it was built at the city's expense and hence was the city's property, and then the conclusion is stated as follows: "We conclude that as to the act in question, Batte (the policeman) was the officer and agent of the city, and that his knowledge of the condition of the trap-door was notice to and knowledge thereof on the part of the city."

This case is hard to understand. The police department was created for public good, and the city is therefore not responsible for its negligence. The city is expressly forbidden by the act creating the police to have a police force of its own. It has no voice in the employment or management of the force. It is required to pay the expenses of keeping up the force, including the furnishing of station houses, but it has no control over such stations. But the city must keep its streets in safe condition and is responsible for the negligent use of its own property. Hence the knowledge of the policeman is notice to and the knowledge of the city and the city is liable. The city owns the building, because it was required to pay for it. Granted. But it has no control over it and is forbidden to interfere with its management. Yet it is liable for its negligent use! Again: The policeman is a city officer and agent. The city has no voice in his appointment nor any control over him. The police department is maintained for public good and hence the city is not liable for its negligence. Yet his knowledge of his negligent act is the knowledge of the city. The city is bound to keep the streets in safe condition and is liable if it knew the street was out of condition or could have known it. The city had no knowledge in this case nor had the condition existed long enough to charge it with notice. Yet though it was not liable for the policeman's negligent act in creating a dangerous condition, and though it had no control over him or the police station, still the knowledge of the policeman was the knowledge of the city, although the policeman never notified any city officer and could not be compelled by the city to notify it. Or otherwise stated, the city is not liable for the negligent act of the policeman, but it is liable because the policeman (over whom the city had no control) knew his negligence had created a dangerous condition in the sidewalk.

This case will scarcely be followed by the Supreme Court if the question ever comes before it again, but it is being constantly used in *nisi prius* courts to the serious detriment of the City of St. Louis, as an authority for holding that the city knew of defects in the streets because a policeman had seen them or could have seen them, notwithstanding if he

did or could have known of them he may not have reported them to the city. In fact he never does and cannot be compelled by the city to do so. The decision is wrong and should be overruled.

Thus it may be fairly said that the Missouri courts have always recognized the dual capacity in which a city acts and have uniformly asserted the principle that when the city acts in a governmental capacity for the good of the public and not for private corporate gain, it is not liable for the negligent acts of its officers or agents; but that when it acts in its business capacity, for private corporate benefit, it is liable, as an individual or a private corporation would be. Acting under these principles it has been held that for injuries received by a patient in any of the eleemosynary institutions of the city, or from the operations of a fire or police department, or from a failure to exercise any of its police powers, the city is not liable.

These principles are expressly recognized, but not applied, in Hannon vs. St. Louis County, 62 Mo., 313, and Carrington vs. St. Louis, 89 Mo., 208, but it is not believed that either of these cases were properly decided, on principle, nor that they will be adhered to by the Supreme Court when the question comes before the Court again.

There is another underlying reason why these cases ought not to be followed and cannot fairly be allowed to stand. Supplying water to patients in an insane asylum (Hannon vs. St. Louis County), or maintaining a police force, including proper station houses (Carrington vs. St. Louis), are an expense and a benefit to the public at large, as much so as maintaining a fire department or a hospital, and if the city can be made liable for any negligent act of any officer or agent in the transaction of anything incident to such public purposes, no city could afford to have a hospital, an insane asylum, a poor house, a work house, a fire department or a police department, but would be compelled to abandon such institutions.

STREETS.

The highways of England belong to the King. Originally and usually in the United States the title to all highways is primarily in the State. Neither the King in England nor the State in the United States is liable for injuries received from defects in the highways. This is partly and commonly because neither the King nor the State is liable to an action at the suit of a citizen. But the primary and fundamental, legal and logical reason is because streets and roads are maintained in a governmental capacity for the good of the public and in no sense for private gain. In England, the parishes, and in America, the counties, are held not liable for injuries received from defects in the highways. The usual reasons given that the parishes in England had no power of taxation and hence no revenues to pay for keeping up the roads, and that the counties in America exercise only governmental powers and hence cannot be held liable for negligence in the exercise of such powers. The counties in America generally have the power of taxation, and the right to compel citizens to work on the roads, and in most States the power to levy a tax for keeping the roads in repair. Yet neither in England nor in America is a county liable for defective highways. This is the rule in Missouri. (Reardon vs. St. Louis County, 36 Mo., 555).

In the New England States, cities are held not liable for injuries received from defective streets unless specially made so by statute, and the rulings are placed upon the true history and principles of the law that streets are maintained under governmental powers for public

good. In those States few cities have the dual capacity. Their powers are purely governmental. But in the Middle and Western States, cities have almost uniformly been held liable for defective streets. The decisions are placed partly upon English cases as to the liability of cities there without noticing that in England the cases were bottomed upon the charter obligations of the cities to relieve the Crown of the expense of keeping the highways of the cities in repair, whilst in America there is scarcely a city charter that contains any such obligation, and partly upon the assertion that the cities are given the power to levy taxes to raise revenue to pay for keeping the streets in repair or are authorized to charge the cost of repairing the streets as a special tax upon the abutting property, and sometimes it is placed upon the grounds that the congregation of large numbers of persons in the comparatively small area of a city, casts a greater duty upon the city than is cast upon a county.

The courts of Missouri have adopted the rule of the Middle and Western States, using indiscriminately one or the other of the reasons given above, and it is not believed that a single case can be found in Missouri holding any other doctrine.

It requires considerable temerity to say that all these decisions as to streets, are illogical and inconsistent with the admitted, fundamental principles of municipal organizations and power, and that some of the reasons given are contrary to the charter powers of most of the cities in this State.

Streets in cities in Missouri are acquired, constructed, maintained and repaired pursuant to the governmental powers of the city. It requires the power of eminent domain to condemn private property for street purposes. The right to construct, maintain or repair streets grows out of governmental powers conferred by the State upon the city for public good and not for private corporate gain. The power to assess the cost of improvements or repairs upon abutting property is governmental and brings no profit to the city. The power to levy taxes to produce municipal revenue to pay for maintenance or repairs is governmental and the expenditure of such money for repairs of streets is for public good, and is a depletion of the city's revenue, and in no case a private corporate profit. In most cities of the State repairs must be paid for out of general revenues and cannot be charged as a special tax upon adjoining property. But it is immaterial to the question whether the city or the adjoining property pays for repairs — the logic of the rule is the same.

If the streets are acquired, constructed, maintained or repaired out of general revenue or by special tax upon adjoining property, the facts remain that they are established and kept up pursuant to the governmental powers of the city for public good, and not for private corporate profit. If this be true, it is incomprehensible how the city can be held liable for negligence as to streets, and not liable for negligence as to anything it has or undertakes in any other governmental capacity, like hospitals, insane asylums, poor houses, work houses, fire departments or police departments.

Logically there is no difference. Historically there is no distinction. The results reached are incongruous and arise out of a failure to distinguish between governmental and business duties and powers, or are the results of following English precedents without noting the difference, in this regard, between a charter obligation of English cities and those of America.

Neither can these decisions be sustained as to cities and the rule derived as to county liability, because cities have the power to raise revenue for street repairs or to assess the cost against adjoining property, while counties have no such power. True, counties cannot

assess the cost against abutting property, but counties have the power to levy a road tax or require citizens to work on the road. St. Louis pays for repairs out of general revenue and cannot assess it against adjoining property. Special assessments on adjoining property for repairs on streets is only a modern urban substitute for making citizens work on the road. Everywhere counties have the power of taxation for road purposes our courts have held that they are not liable for defective highways. (Reardon vs. St. Louis County, 36 Mo., 555).

If streets are thus maintained in a governmental capacity for the good of the people, and if a fallure to exercise a governmental duty or negligence in such exercise affords no foundation for liability, then it inevitably follows that there is neither reason or logic in the statement that a greater duty is cast upon a city than upon a county by reason of the greater congregation of people in a smaller area.

The result is that a traveler on a country road has no remedy if he is injured by a defect in the highway, but when he crosses an imaginary dividing line between the county and the city and is injured from an exactly similar defect in a street in the city, he has a cause of action against the city, albeit the naked eye could not distinguish where the county ended and the city began, from any difference in the character of the highway or the buildings or improvements abutting the highway, or the vast expanse of truck gardens or rock quarries adjoining the highway.

It is too much to hope that some day the courts of the Middle and Western States will see the logic, wisdom and justice of the decisions of the courts of the Eastern States, and will readjust their legal compasses and return to an enforcement of the true and fundamental rules and distinctions of the real law as applied to streets as well as to any other matter wherein the city acts in its governmental capacity for the public good. It can be done at any time without impairing the rights of any citizen. It is unlike erroneous decisions relating to individual or property rights, where rights have been acquired or title vested on the faith of such decisions. No man has a vested right in a damage suit nor in a remedy.

If that time ever comes, it will do much to clear up the complex and varied state of the law as now interpreted, as to whether the city is an insurer of the safety of travelers over its streets; as to whether the city must keep the whole of its streets in repair or only so much thereof as is necessary to public travel (Brown vs. Glasgow, 57 Mo., 156; Bassett vs. St. Joseph, 53 Mo., 303; Hull vs. Kansas City, 54 Mo., 598; Walker vs. Kansas City, 99 Mo., 647; Roe vs. Kansas City, 100 Mo., 190); as to whether the city is not liable for failure to exercise its police power to compel the owner of a dangerous building near, but not upon, the highway to remove the same (Kiley vs. Kansas City, 87 Mo., 103), or is liable therefor (Franke vs. St. Louis, 110 Mo., 516), and too many like cases which have troubled the courts and caused conflicting and illogical decisions to be rendered heretofore and which will compel many more to be given, because of the failure to observe fundamental distinctions.

SEWERS.

Sewers of a city are either public (constructed and maintained out of general revenue for the good of the whole people), district (constructed in special districts at the expense of and for the benefit of a portion of the public), or private (constructed by private persons, with the city's consent, in advance of district sewers, for the convenience of a limited number of people).

Sewers are mere covered drains, natural or artificial, for carrying surface waters and house drainage in a sanitary and inoffensive manner and their construction and maintenance is essentially governmental in respect to their character, purposes and intents, and can only subserve public good. They can never be a source of private corporate gain. They should therefore come under the same rule as hospitals, insane asylums, poor houses, work houses, fire departments and police departments. The courts in Missouri have held that a city is not liable for a defective or insufficient plan for a sewer because it is of such a character as involves municipal judgment and discretion, but that the doing of the work under the plan is ministerial and the city is liable for negligence in the execution. Thurston vs. St. Joseph, 51 Mo., 510. In so deciding the Court fails to follow the cases of St. Louis vs. Gurno, 12 Mo., 414; Taylor vs. St. Louis, 14 Mo., 20, and Hoffman vs. St. Louis, 15 Mo., 651, which were based upon the true distinction of municipal liability.

The result of this unfortunate departure from fundamental principles is illustrated by the decision in Fuchs vs. St. Louis, 133 Mo., 168, where the city was attempted to be made liable for the explosion of a public sewer, caused by the river stopping up its mouth, oils escaping into the sewer from a burning building and gases being generated from the oils, on the ground that the city had been negligent in the *care* of the sewer. The historical, fundamental and legal principles so often above set forth herein, and always pretended to be observed and followed by all courts, were neither discussed, adopted, overruled or observed in this decision, but a liability was declared without any reference to principle or precedent.

It is interesting to follow the reasoning of the Court in this case. It is this: It is a matter of scientific knowledge of which the Court will take judicial notice, that petroleum oils generate gases when subjected to heat:—"Carefully managed sewers do not, according to the common experience of men, usually blow up and scatter destruction and death. Such performance is of itself entitled to consideration on the issue of care in respect of such property, or as some jurists have said, 'the thing itself speaks.'" What foresight the city should have exercised, "it would be very difficult to say."

Scientific knowledge does teach that the products of petroleum generate gases, but it also teaches us that such gases are two and a half times heavier than air, and hence if they are generated in a sewer they will not rise to and escape from the vents of the sewer. The common experience of men is that the *best* managed sewers blow up and scatter destruction and death, and that no scientist has yet been able to explain the reason or to suggest a practical, efficient method of preventing sewer explosions, any more than explosions of mines, which are constantly occurring. "The thing itself speaks," but science has found itself at its wits' ends, just as the Court confessed itself to be, to say what foresight should be used to prevent such accidents.

This decision cannot be accepted as establishing a rule of action in Missouri. It will be binding only until overruled, and it will be overruled as soon as the question again comes before the Supreme Court.

PUBLIC WORK.

So much scandal and just complaint arose out of "jobs" in municipal work, that nearly all cities in Missouri have provided by their organic law that all public work shall be let by competitive bidding under the authority of ordinances prescribing the character and

extent of such work, the materials to be used, limiting the payments to the amount appropriated for the specific purpose, and providing that the city should not be bound by the act of any officer unless the officer had express power to bind the city, and taking away the power of the city to ratify an authorized act of an officer. The purpose of these provisions was certainty as to the work being done, to preserve municipal credit by not incurring liabilities beyond the available resources of the city to pay promptly for the same, to keep officers strictly within their powers, to inform the people before the work was done exactly how much of their money would be expended for it or to let them know how much would be charged against their property as a special benefit, and to stop the practice of "extras" under municipal contracts.

The courts rigidly enforced all these provisions, and logically held that contractors were bound to know that the officer ordering the work had power to do so. Cheeney vs. Brookfield, 60 Mo., 53; Mester vs. Kansas City, 18 Mo. Ap., 217; Thompson vs. Boonville, 61 Mo., 282; St. Louis vs. Clemens, 52 Mo., 133; Leathers vs. Springfield, 65 Mo., 504; Louisiana vs. Miller, 66 Mo., 467; Forry vs. Ridge, 56 Mo. Ap., 615; Maupin vs. Franklin County, 67 Mo., 330; Johnson vs. School District, 67 Mo., 319; McKissock vs. Mt. Pleasant Township, 48 Mo. Ap., 416; Parkinson vs. St. Louis, 4 Mo. Ap., 322; Carroll vs. St. Louis, 4 Mo. Ap., 191; Thrush vs. City of Cameron, 21 Mo. Ap., 394; Saxton vs. St. Joseph, 60 Mo., 153; Keating vs. Kansas City, 84 Mo., 415.

In the case last cited the Court said: "The requirements of the charter in such cases is the only touchstone of corporate liability. Upon that the contractor with the city must rely. To establish any rule in order to meet the hardships of this hard case would result in incalculable mischief and the overthrow of the organic law of the city."

These cases giving effect to the purpose and express command of the law would seem to have been sufficient to clearly imbed them in the jurisprudence of the State. Yet in Steffen vs. St. Louis, 36 S. W. Rept., 31, the Supreme Court of Missouri ignored and failed to follow all these precedents and allowed a contractor to recover from the city "*extras*" for doing public work, which by the charter, ordinances and contract, was to be paid for by special assessments against private property, which was not embraced in the competitive bidding and for which no appropriation had been made before the work was done, and which the officer alleged to have ordered the work had no power under the organic law to order or to fix the price for, and in fact had fixed no price for.

The decision is placed upon the ground that the contract authorized the officer to order "extras," did order them and the contractor did the work, and that it would be unconscionable to permit the city to take advantage of the work and not pay for it.

The organic law expressly forbade such a provision in the contract and gave the officer no such power. The contractor is charged with knowledge of the charter limitations and of the invalidity of such a clause and the want of power in the officer, and was no more entitled to recover in this case than were the contractors in the various cases above cited who were denied the right to recover. So far as is known this is the one instance in Missouri where the courts have departed from the wholesome and necessary safeguards of the organic law, and from the line of decisions recognizing and upholding them.

Our courts have alwas construed *strictly* the power of the city and its officers, where the city was attempting to do any act, and unless reference could be made to the provision of the organic law expressly conferring the power, or it was a mere incident to the power conferred, the right has always been denied.

With but few exceptions the courts have likewise construed the law with reference to claims of third persons against the city arising out of the acts of its officers, notwithstanding it is being constantly pressed to modify the rule. But when it is remembered that public officers are mere trustees, acting within defined and limited organic powers, and that every citizen is charged with knowledge of what the laws of his country are, it will be readily seen that the courts adopt not only the legal but a wise and necessary construction; and that any other view would inevitably lead to public scandal, waste of public revenue, and financial embarrassment and consequent impairment of its credit and possibly bankruptcy.

Many other instances and illustrations of municipal law in Missouri could be referred to, but would extend this article into a book, and hence must be omitted.

Upon the whole it can fairly be claimed that the charters of the cities in Missouri compare favorably with those of any other cities, and that the statutes of Missouri providing the charters for cities, towns and villages, were wisely and carefully drawn, but first rank and place must be accorded to the City of St. Louis. It was framed pursuant to Constitutional authority by a board of thirteen freeholders, and is a masterpiece of organic law and a perpetual monument to their wisdom, patriotism and foresight. With a few amendments, which the changed and improved conditions of the age require, it is a model. In fact it has been adopted as a model by the framers of the charter of Greater New York.

St. Louis, Mo.,
January, 1898.

RECOLLECTIONS OF THE CRIMINAL PRACTICE.

BY CHARLES P. JOHNSON.

MY earliest recollections of the criminal practice in St. Louis was when the Criminal Court was held in the upper story of the Fourth Street front of the Court House. It was originally built of stone and brick, but was afterwards torn down and reconstructed as at present. The criminal business had increased to such an extent that it was deemed necessary, in the year 1839, to establish a separate court for the trial of indictments of felonies and misdemeanors. It also had appellate jurisdiction of city cases. This assigned jurisdiction made the court one of the most important in the city. The first Judge under the act creating the court was James R. Bowlin. He was elected by the joint vote of the two houses of the General Assembly, and served about six years. He afterwards served in Congress, and was Minister Resident to New Granada and Commissioner to Paraguay. He was succeeded by Judge Manning, a nephew of Chief Justice Taney, and Judge Colt, a connection of Colt, the inventor of the revolver of that name. In the year 1853, James R. Lackland was elected to the Judgeship of the Criminal Court, and before this tribunal, from that time on, many of the most noted and exciting trials of the West took place.

The criminal bar at about the period mentioned, presented a remarkable array of brilliant practitioners. It was unexcelled by any city in the United States. O'Connor, Brady and Graham, of New York, were still in their prime. John Paul Brown, of Philadelphia, had a national reputation. Choate and Sorhies were still at the bar in Boston. Prentiss died in 1850. Ben Harden, Tom Marshall and Crittenden still sustained the reputation of Kentucky, and here and there, all over the South and West, were great forensic advocates. But St. Louis rivaled all other cities in the number and excellence of her lawyers in this branch. In 1855, when I commenced the study of law, Myron Leslie, partner of R. M. Field, father of the lately deceased Eugene Field, was Circuit Attorney of this circuit and bearing a splendid reputation, had just passed away. Henry S. Geyer had given up the practice for the United States Senate. A. P. Field, formerly Secretary of State of Illinois and later Attorney General of Louisiana, the man who in earlier days had so ably conducted the prosecution of the members of the mob who killed Duncan in Madison County, Ill., tried before the late Judge Koerner at Belleville, and defended with equal ability by the lately deceased Lyman Trumbull and Joseph Gillespie, was already increasing his reputation in Louisiana. There was still appearing at the bar of this court, however, Edward Bates, Uriel Wright, Richard S. Blennerhassett, James R. Lackland, Henry A. Clover, Wilson Primm, Christian Kribben, George W. Cline, Charles G. Mauro, C. C. Simmons, L. M. Shreve, Thomas B. Hudson, R. F. Wingate, T. G. C. Davis, and John M. Krum. William C. Jones, James J. McBride, Thomas C. Chester, Church Blackburn, R. S. McDonald and Seymore Voullaire had just entered upon the course. Blackburn met his death in the Gasconade disaster, and a brilliant future ended in the untimely death, by consumption, of Chester.

Judge Lackland had been Prosecuting Attorney immediately before his elevation to the bench, and had made a great reputation by the earnest, industrious and fearless way in which he discharged his duty in that office. Pitted against men like Bates, Geyer, Blennerhassett, Wright and Primm, his ambition was aroused to the highest degree, and what he lacked in rhetoric and eloquence, he made up in other qualities, notably in industry, honesty and sincerity of purpose. He was, in truth, a self-made man. Reared on a farm, he had a very meager education and worked against apparently insuperable difficulties. He was always an invalid, but nevertheless mastered his profession by the exercise of his indomitable will, and became a most forcible advocate and able lawyer. During his term as Prosecuting Attorney he successfully prosecuted many noted cases, against the ablest men at the bar, and the reports of the Supreme Court of that time contain many of his briefs, all remarkable for the labor expended and the exhaustless research shown in their preparation.

A celebrated case during his term as Prosecutor, was that of the two French noblemen, Raymond and Gonsalve de Montesquieu, brothers. They were indicted for the felonious killing of young Kirby Barnum, nephew of Theron Barnum, who afterwards kept the hotel bearing his name, at the corner of Second and Walnut Streets, and a boarder named Albert Jones. At that time he was the proprietor of the City Hotel located on Third Street, near Vine. These noblemen had been traveling in the West for some time for purposes of observation and hunting. They had been in the city but a short time, and located at the hotel mentioned, when, on the night of October 29, 1849, the younger of the two seized a double-barreled shotgun, left his room, and without saying a word or giving any indication of his intention, shot and instantly killed young Barnum. A guest or attache of the hotel, who rushed toward the parties, was also shot dead. The tragedy was a fearful one and caused great excitement. The excuse given by Gonsalve was, that he was seized with an irresistible impulse to kill two men, and he did so. At that time, our police force was not so extensive or efficient as it has since become. Mob spirit was aroused, and it required a good deal of determination on the part of the law-abiding citizens and the spiriting away of the prisoners to Jefferson Barracks to prevent a resort to lynch law. Although the shooting was done by but one of the brothers, the presence and action of the other and the accompanying circumstances of the tragedy caused an indictment to be brought against both the parties. As might be expected from the circumstances, as narrated, a question arose immediately as to the sanity or insanity of the defendants, and that was set up as a defense by their attorneys. Entire absence of motive caused many reflecting men to think that the act was the outcome of insanity; but at that time as at present, the prejudice against the plea of insanity existed among the people, and, notwithstanding the able defense made, an acquittal before a jury never was obtained. The defense was conducted by Edward Bates, H. S. Geyer, Wilson Primm and Mr. Charles Gibson. Lackland prosecuted with unwonted vigor and ability, assisted by Uriel Wright, and gained a decided reputation by the manner in which he conducted his side of the case. A majority of the people of the city were carried away to such an extent by prejudice, that, notwithstanding the efforts made in behalf of the defendants, aided by the testimony of some of the ablest experts and proof of ancestral insanity, his attorneys failed to convince the jury of the existence of insanity at the time of the shooting by the young nobleman. Two mistrials occurred before the disposition of the case. Shortly after the second trial, a strong effort was made by the attorneys interested in the defense to induce the Governor to interfere and grant a pardon to the accused. The

editor of the "Missouri Republican" at that time was Mr. Chambers, a man of very decided ability, independent and fearless in the advocacy of any opinions that he entertained. Through the editorial columns of that paper he advocated and urged that a pardon be granted. Austin A. King was Governor, and under the then Constitution of Missouri, the Executive had the power to grant pardon in all cases, excepting impeachment, before or after conviction. Our Constitution was the same then in that particular as is the Constitu- of the United States and some other States of the Union. King finally decided to grant such pardon, the young noblemen were taken back to their friends in France, and Gonsalve afterwards died in an insane asylum.

Another important case following this was the prosecution of Nathaniel Chiles, first teller of the old State bank. The president of this bank was Joseph Charless, who was afterwards killed by Thornton, an ex-teller in the establishment, the trial of whom will be noted hereafter. Chiles stood well in the community, and, in fact, there was about an equal division of opinion as to his guilt or innocence, as the incriminating facts were rather circumstantial. The contest was a great one. The trial occupied nearly a month, and the defense was brilliantly conducted. Lackland, Geyer, Bates, Blennerhasset and Wright were among those who made speeches to the jury, and they were all marked by an excellence that attracted wide attention. The citizens of to-day cannot realize the interest aroused at times in these criminal trials, where great legal contests occurred. Comparatively speaking, all the city became interested in them, and the court room would be crowded to overflowing by the best people of the city. Ladies, too, attended. During this trial I was clerking in a very subordinate position in the store of Messrs. Elliott & Couchois on Market street, right opposite the court room where the trial of the Montesquieu brothers took place. My principal duty was to carry bundles to the homes of retail purchasers. This gave me a fine opportunity, after hurriedly delivering the articles entrusted to my care, to stop at the court room and listen to the proceedings. For a time I carried out my desires in this direction without any unnecessary absence being noticed. But the fascination of the proceedings, and especially the arguments in the Chiles case, caused me to throw discretion to the winds, and I soon found myself sent home with a polite note to my father, telling him that in the opinion of my employers, I was not well adapted to the dry goods business. The impressions made upon me at that time as to the peculiar mental characteristics of each of those engaged in this trial was very marked, and were afterwards carefully analyzed, considered and studied as they were seen in other great legal contests.

Judge Lackland was peculiarly deficient in the graces of oratory, but he had a logical mind and a knowledge of human nature that few men possessed. He was crude in expression, often using language that was harsh and repulsive, but the evil of his action in this respect was neutralized by his air of earnestness and sincerity, which impressed all with his honesty of purpose. It was the reputation he acquired as Circuit Attorney that raised him to the Criminal Bench, and, after serving one term in that court, he was elected to the Circuit Court. He was universally conceded to be a man of the highest honor and strictest integrity. As a Judge, he was peculiarly circumspect, and when off the bench forbade any lawyer or suitor interested in a case to speak of its merits or demerits in his presence. The strong determination of Lackland is illustrated by his conduct in a case tried in the St. Louis Criminal Court in the year 1857, as quoted in the address to the jury of Uriel Wright, in the case of State vs. Worell. He says: "At the present term of the Criminal Court, before Judge Lackland, a man was tried for murder and convicted. He was

defended by counsel of highly respectable position in their profession. The jury box contained as much intelligence and discrimination as our panels there ordinarily furnish. The *counsel* was *employed* by the prisoner, not assigned by the court. The trial lasted several days. The defense of insanity was not relied on — no preparation of the case was made with a view to any such issue — no evidence brought to sustain it. The counsel saw no indication of mental disorder in their client — nothing to create a suspicion of insanity. In the trial there was no allusion to insanity. The verdict was guilty. A motion for a new trial was filed by his counsel, and overruled on all the grounds set out in the motion; but the Judge, on his own motion, set aside the verdict, because the defendant was *insane when he committed the homicide!* The Court ordered a commission of six physicians to go to the jail, and after examination of the prisoner, to report in writing his condition as to sanity. They did so, and pronounced him sane. The Judge told them they were mistaken, and ordered a re-examination. The result of repeated examinations was the joint report of all the physicians that the prisoner was certainly insane — insane at the time of the killing."

It was my pleasure to hear all of the able lawyers mentioned above in some of the greatest cases, and later to be occasionally arrayed in opposition to most of them. With due respect to all, I am convinced that Uriel Wright was the most accomplished jury lawyer of them all. As an advocate, he was unrivaled. I do not think there was his superior in the country. He was medium in height and rather stout. Straight and dignified in bearing, he had not the least appearance of pomposity. His features were symmetrical, though rather full; forehead high, eyes small and gray, but bright and variable; a well-formed mouth, with lips somewhat thin; and prominent chin, that gave him, especially when speaking, an appearance of determination. Withal, his face was mobile and remarkably expressive. He was designated as "Major Wright," though I do not know from whence came the title. He was courteous, affable and very popular in social life. He was extensively read in history, poetry, romance and philosophy, and was a classical scholar. Add to all this, an almost faultless delivery, with a voice soft, musical, flexible and strong, ranging from the lowest whisper to the highest chords of distinct and harmonious articulation — and you can form some idea of the powers of Major Wright as an advocate. It was surely a treat to hear him in a great effort before a jury. I heard him in the case of the State vs. Robert McO'Blenis, a most exciting trial, and a case of such a desperate character as to bring into play almost all of his varied powers as a lawyer and advocate. This case was remarkable in more ways than one. It marked an era in the social conditions of our city. Further, it affords an illustration of the diverse gifts and characteristics of three among the most prominent attorneys mentioned heretofore in this article.

Social conditions were somewhat different in St. Louis in the year 1855 from what they are now. The railroad system was in embryo. The Mississippi, Missouri and Illinois Rivers were, in truth, the great highways of traffic. The levee was a vast warehouse of the moving mercantile products of the world. The long line of vessels of varying size and beauty, stationary or moving in all directions on the river; the teeming multitude of picturesque employes, loading and unloading freight; the quaint and melodious songs of the incoming and outgoing boats; the noisy talk of superintending officials; the clanging bells; the puffing and whistling of engines; the continuous stream of rattling drays and other wagons, so often clogged, with their cursing drivers and crack-

ing whips; the hurried and dodging travelers, men, women and children; the noise, bustle and endless confusion — all made it like unto one of the important shipping points of the old world. The boating interests were in the ascendant in those days. The railroad developed and their glory departed.

The representatives of river navigation were a class unto themselves, and wielded a power in more ways than one. They were men of hardy mold, frank, courageous, generous and somewhat reckless. They were strong in their likes and dislikes, quick to resent insult, good friends, dangerous enemies and almost universally good fighters. These characteristics impressed and affected social conditions. Fighting on reasonable, and frequently on slight, provocation was still respectable, if not fashionable. The tale-bearer or individual who reported the foibles or vices of men fared badly in those days. Scandals were rarely printed, except in papers of unknown proprietorship. To be the known author of such usually meant great bodily injury or death.

The fighting habit was confined to no particular class or occupation, and was nurtured by other impelling causes. The influx of sporting men from the South was large. Gambling of every kind flourished almost openly. Slavery existed. The native American spirit was prominent, and the prejudice against foreigners was strong. A favorite amusement of the native "tough" was to go south of Market street with his "crowd" and "clean out" one or more "Dutch" beer saloons. And the prejudice against the Irish had, a year or two before, developed the disgraceful riots that killed many people of that race and destroyed churches and other property. The then famous Ned Buntline was a prominent actor in these bloody scenes. Such conditions developed the worst kind of ruffianism. It produced men who had no respect for the law or its officers, who recklessly trampled upon the rights of others, and whose principal recreation was to create tumult and disorder, frequently accompanied with bodily injury and death to innocent citizens. A number of these men, though a source of terror and apprehension to the community, were accorded immunity for their acts by reason of influential friends. But there had gradually grown up a strong feeling of resentment against those who indulged in courses which brought discredit and disgrace upon the rapidly growing "City of the West." It was smothered, but it was there, and an act of peculiar wantonness brought it into play.

On February 28, 1855, between the hours of 12 and 1 o'clock p. m., there was a small crowd drinking in the saloon of John King, adjoining the Fourth Street entrance to the old Planters' House. At that time this saloon was the favorite resort of its kind in the city, and had an extensive patronage. In front of the counter, with others, were Benjamin F. Brand and Robert McO'Blenis, usually called "Bob O'Blenis." Brand was a duty marshal, and in the discharge of his duties as such, had incurred the enmity of O'Blenis. It was usually the custom in those days for officials to visit bar rooms and indulge in drinking. Brand belonged to a Kentucky family and stood well in the city. He was a large, well-proportioned, fine-looking man and when not in his cups, genial and polite. He was known to be brave and fearless in the discharge of his duty, and not averse, if insulted, to fighting. O'Blenis was known as one of the most reckless fighters in the city, and his reputation in that line went beyond the borders of the State. He was a large and powerfully built man, almost a giant in stature and strength. He had been involved in many difficulties, had passed through many dangers, and escaped without very serious troubles. In the livery stable and sporting business, he had accumulated what was at that time considered quite a

fortune. Belonging to a type as referred to above, he had many followers, copyists and friends.

Brand was considerably intoxicated, and inclined to be quarrelsome. He accused O'Blenis of calling him, on a former occasion, a foul name. Then followed hot words and bitter curses. O'Blenis suddenly withdrew, and those present thought the affair ended. Brand continued to talk and abuse O'Blenis, some of his language being of a very threatening character. On the northeast corner of the alley on Chestnut Street, between Third and Fourth Streets, was the saloon of Louis Nievergelder. This place was a convenient resort, and he a popular host. The old Post Office, on the opposite corner of the alley, had not been long removed, and right opposite was the Central Engine House, where the O'Blenis trial was afterwards conducted. O'Blenis did business not far from Nievergelder's saloon. After leaving Brand he went directly to Nievergelder's and asked for and obtained from him his revolver. He was in the habit of leaving it at that saloon. Some talk passed between him and Nievergelder, by inference, of an incriminating nature, and Nievergelder gave him his revolver. It was a deadly weapon of the worst kind, a self-cocking revolver. Within thirty minutes after leaving Brand in King's saloon, O'Blenis returned, and walked to within a few feet of Brand, who was leaning on the counter. In a determined voice he said to Brand, "I suppose you have something against me; now is the time to settle it," and immediately drew his pistol and shot in rapid succession four times. Each shot took effect, the last one and the fatal one piercing the lungs. It was claimed by O'Blenis and his friends that Brand had drawn his pistol, but it was never reliably proven. The few present fled in dismay.

After the shooting O'Blenis walked to the end of the counter, called for a glass of brandy and drank it, his victim on the floor at the time. Brand was shortly afterwards removed, and died at 4 o'clock in the evening of the shooting. Before leaving the saloon, O'Blenis sent for R. S. Blennerhassett, who was then and there retained as his chief counsel. He afterwards associated in the case Edward Bates and Uriel Wright. O'Blenis was arrested and lodged in the jail at the corner of Sixth and Chestnut Streets. The tragedy produced a profound sensation. It aroused the indignation of the community to the verge of desperation. On the night of the killing, a large and angry crowd surrounded the old jail, and there was reason to fear mob violence. Mr. Blennerhassett and others addressed them, and appealed to their calmer judgment to allow the law to take its course. The crowd dispersed and peace reigned. After the Coroner's inquest came the preliminary examination, which was heard before Mr. Mann Butler, Justice of the Peace, and author of "Cotton Is King." The prosecution was represented by the then youthful City Attoney, James W. McBride, assisted by Mr. George W. Cline. The defense was mainly conducted by Mr. Blennerhassett. Nearly two weeks was taken up in this proceeding, the main object of Mr. Blennerhassett being to shape the case in a manner to obtain bail for his client. In this he failed, the Justice, at the conclusion of the examination, committing the accused without bail. Thereafter a second effort was made to secure bail, before Judge Lackland, by *habeas corpus* proceedings. After a lengthy hearing and able arguments by Mr. Henry A. Clover, the successor of Judge Lackland as Circuit Attorney, for the State, and Messrs. Blennerhassett and Wright for the defense, the application was refused, and O'Blenis remanded for trial on the charge of murder in the first degree. As an indication of the public feeling in this case, it is a noteworthy fact that the decision

of Judge Lackland on this occasion was greeted with applause, which met with a stern rebuke from that dignitary.

This action of the committing magistrate and Judge Lackland aroused the ire and spurred the bull dog tenacity of Blennerhassett to such an extent that he afterwards bet Messrs. Sylvester La Beau and Daniel G. Taylor $500 that he would yet procure the release of his client on bail. According to my best recollection, Mr. Sylvester Papin was holder of stakes. The fact of the refusal to bail O'Blenis is an occurrence worthy of note. It shows that the high tide of reckless disregard in taking human life had been reached. It was a rare occurrence in Missouri or the South for a man of any influence and position, charged with felonious homicide, not to be allowed bail; and this but represented the sentiment and social condition of the various communities. After the refusal on the part of Judge Lackland to grant bail, a change of venue was taken, and the case was tried at the old Central Engine House on Chestnut Street, Judge Hamilton, of the Circuit Court, presiding.

R. S. Blennerhassett, as stated, was the leading counsel for the defense. Mr. Blennerhassett was born in Ireland, related to Herman Blennerhassett, charged with participation in the Burr conspiracy, and a second cousin of O'Connell, the Irish orator. He located in St. Louis as early as 1841, and commenced the practice of law. In 1848 he became City Counsellor, and held the office for three years. During his lifetime he was connected with many noted civil and criminal cases. He argued before the Supreme Court of Illinois the right of the City of St. Louis to fill up the channel east of Bloody Island, a work which gave to Illinois the valuable accretion on which so large a portion of the city stands. He successfully defended McLean, charged with the murder of Col. Floyd, an acquittal being had on the fourth trial. At the time of the O'Blenis trial, Mr. Blennerhassett was in his prime, and worked with a zeal and determination ahead of all his previous efforts. He held to the opinion that his client could not receive a fair trial because of the public feeling against him, growing out of his reputation as a man of violence. To overcome this and establish a theory of innocence, he put forth all of his varied powers and was backed by Messrs. Bates and Wright. Blennerhassett had not the rhetorical gifts of Wright, nor had he the pleasing, persuasive style of Bates; but there was a rugged strength in his oratory that neither of the others possessed. He was fluent and copious, with a sonorous voice, bitter in denunciation, strong in invective, and given at times to irony and sarcasm. I was present as a student at this trial, and am convinced that Mr. Blennerhassett was the ablest cross-examiner that ever I heard question a witness. His command of temper under the most irritating circumstances was marvelous. He never was disconcerted. His treatment of a witness was usually courteous, and by a series of adroit questions he would procure admissions highly beneficial to the defense. In person, he was heavy and strongly built, with large head, dark hair, inclined to curl, florid complexion, prominent and expressive eyes, and thoughtful face. He was careless in dress, and almost always, as was the habit in those days, had a quid of tobacco in his mouth.

For the State, against the formidable array of the defense, appeared Mr. Henry A. Clover. His first employment in St. Louis was to do clerical work under Gen. Ruland, Clerk of the Circuit Court. During this time he gave such attention as he could to the study of the law, and was admitted to the practice in 1847. He was afterwards City Attorney, member of the Legislature, Circuit Attorney, and Judge of the Criminal Court. The success he attained against the legal giants in those days is sufficient proof of his prowess.

In the prosecution of O'Blenis he achieved decided reputation. He fought with wonderful skill and determination, and disputed step by step the efforts of his able opponents.

The court room was daily crowded, and the trial was a continuous theme for the newspapers and the general topic of conversation. Speculation was rife as to the outcome, and there were earnest partisans on both sides. The marked features of the case showed murder of the first degree, but management of O'Blenis' attorneys compelled instructions for a less degree. The display of oratory was magnificent, and it is a lamentable circumstance that none of the speeches were preserved. Clover had the advantage of the close, and he used it with wonderful effect. He had the sympathy of a large majority of the citizens of St. Louis, especially the better class, who were anxious to put a stop to the scenes of violence and bloodshed that were so frequently occurring. The trial was looked upon, by reason of the character of the defendant, as a test case, and predictions were made that a failure to convict would give the city over to ruffianism and disorder. The recognition of this fact and of his responsibility impelled Clover to his highest endeavors, and he was successful in getting a verdict for murder in the second degree.

Of course, there had been considerable difficulty in obtaining a jury, the particulars of the case having been so widely published and discussed; but, nevertheless, there were some strong men on the panel. It was learned, after the verdict was returned, that quite a time after their retirement the panel stood eleven for conviction of murder in the first degree—the penalty for which then, as now, was death by hanging—and one for murder in the second degree and a punishment of ten years in the penitentiary. The one man standing against the eleven was a member of an old and respected family of the city, an honest, earnest and conscientious man. He saved O'Blenis' life. A motion for a new trial was filed, and the following day O'Blenis was bailed, and Mr. Blennerhassett won his $500 bet. The case was taken to the Supreme Court on a very interesting point, and there Uriel Wright made the argument for reversal. That argument is in part set forth in the Seventeenth Missouri Report, and is a monument of learning and eloquence. The judgment was affirmed by the opinions of Judges Leonard and Scott, Ryland dissenting, and O'Blenis served a number of years of his term.

Blennerhassett had worked continuously to obtain pardon for his client. The night before his death, realizing his situation and hearing that Gov. Robert M. Stewart was in the city, he sent for and beseeched him as a dying request to pardon O'Blenis. The peculiar circumstances of the petition obtained from the Governor a promise to do so, which promise was shortly after carried out. This incident forcibly illustrates the zeal and tenacity with which Blennerhassett worked for his clients.

The effects of this trial are of marked historical importance. It commenced the work of a change in social conditions and practices. It was the beginning of the ending, and a rapid ending, of a class that reflected no credit on our civilization. O'Blenis, after his release from imprisonment, lived many years, and conducted himself with decorum and propriety.

In the trial of this case, Henry A. Clover showed his ability to meet the giants of the bar. He was a prodigious worker. In this, he followed in the footsteps of Lackland. At that time, the Criminal Court had jurisdiction of both felonies and misdemeanors, and they could be prosecuted only by indictments. At times, in those days, a Grand Jury would return as many as five, six, and sometimes seven hundred indictments. These were all disposed of by one Judge, and attended to by one Circuit Attorney. The amount of work

transacted in this court may be approximately computed from these facts. Besides exhibiting remarkable industry in the discharge of the duties of his office, Clover prepared all important cases with great care. He was a hard student, and rarely in error in the propositions of law he presented to a court. As a speaker, he was ready, vigorous and elaborate; when excited, notably voluble, pouring forth sentences long enough to alarm a stenographer and to tax the attention of a Judge. He was very successful as a prosecutor, and his success raised him to the bench of the Criminal Court as the successor of Lackland. During Judge Clover's term, many important cases were tried, the particulars of which now pass in recollection through my mind. What an interesting volume might be made by a collation and history of the many *causas celebre* that have occurred in the City of St. Louis alone. The details of many are buried in the Supreme Court Reports. Therein is written the never ceasing, restless, unreasoning and uncontrolled play of every evil passion that exists in the human heart. There is Lamb's case — the poor, self-accused, conscience-tormented murderer of his wife; there is Ostrander's case, whose life hung upon the Judge's colloquy with the foreman of the jury; there is Schoultz' case — the weak, deformed and sensitive cripple, born as one of nature's mockeries, expiating upon the scaffold the alleged crime of killing a bully, and doing it *in malice*, as the law claimed, for a previous administration of heartless and brutal malignity upon the part of his victim. Then there was the Thornton case. This case was tried during the term of Judge Clover, and is worthy of noticing to some extent.

During the morning of the 3rd of June, 1859, Joseph Charless, an old and highly respected citizen of St. Louis, was shot down by Joseph W. Thornton. Charless was the head of the house of Charless & Blow, the largest wholesale drug store in the West. He was also President of the State Bank of Missouri, and largely interested in the Pacific Railroad. The party who killed Charless was a young man of thirty-eight years of age, and belonged to a family, not so well known as that of Charless, yet still counting among its number men of high respectability and position. His brother, at the time of the killing, was doing an extensive livery business, and was afterwards connected with the city government as Alderman, and the close friend and associate of the Hon. James S. Thomas, Mayor of St. Louis. Young Thornton, more than a year previous, when a clerk in the old State Bank, had been accused of embezzling some of the funds of the bank. At the time of the alleged offence, Mr. Charless was not the President of the bank. Thornton was honorably acquitted, notwithstanding a very vigorous prosecution on the part of the bank officials.

The acquittal, instead of reinstating Thornton in favor with Mr. Charless, seems to have had a very contrary effect. Thornton was a very sensitive man, and felt the indignity of the accusation keenly, so much so that shortly after his acquittal, he left the city and went South. He obtained employment in New Orleans, Memphis, Vicksburg, and it may be other points. In each place, he lost his position by reason of letters of an accusatory character being written to his employers. The positions he obtained were in banks, and they having business relations with the Missouri State Bank, the influence of its President would be very strong. Naturally, Thornton felt very bitter because of his treatment, and he doubtless came to St. Louis to seek some kind of redress from Charless. The few who saw him after his return, noted that he was always alone, wore continually a melancholy appearance, and seemed to be brooding over his wrongs. His reflections culminated in his placing himself in a hallway down on Market below Fourth Street, and

as Mr. Charless passed on his way to the bank by his usual route, Thornton stepped out and shot him twice. The shots proved fatal the following day.

Thornton was apprehended before he had time to give himself up, and was accompanied to the police station, down on Chestnut near Second Street, by quite a number of people. He was there but a short time when he was hurried up Chestnut Street to the jail on the southeast corner of Sixth Street. At this time the crowd had so increased in numbers that the officers in charge did not wait to take him to the front door of the jail, but passed up the steps of the brick building where the police court was held at that time. This brick building was so constructed as to form a part of the wall of the jail on the Chestnut Street side. As soon as he and the officers with him were inside of the passage, the door was closed and virtually barricaded, notwithstanding the Police Court was still in session and this barricaded door the only outlet therefrom. Judge Thomas J. Daily was on the bench as Recorder, and I was City Attorney at the time. Thornton was passed into the jail yard through a window. I saw him as he passed onto the platform of the steps. He was pale, but calm and self-possessed. The Police Court soon closed its business and adjourned.

Of course when the news of the shooting of Mr. Charless spread through the city, the excitement was intense. A large crowd surrounded the jail, and threats of mob violence were indulged in. Quite a number of police were ordered there and to the neighborhood. As the afternoon passed, the crowd increased. Bulletins announcing the condition of Mr. Charless were issued from the press. Towards night it was generally understood that Mr. Charless would die. To prevent the apprehended outbreak, speeches were made by Dr. Joseph N. McDowell and Mr. Charles D. Drake. They were characteristic of the men. I was in the crowd, or near it, and heard them very distinctly. Some time before night, a telegraph pole was brought and laid opposite the jail on Sixth Street. Once thereafter it was picked up by a crowd and moved toward the door of the jail as if to be used as a battering ram. The police charged upon those having it in hand and arrested five or six. During the afternoon several others were arrested. They were tried for disturbance in the court the next morning, and a novel feature was presented which forcibly impressed me at the time. At least half of those tried for over-zealousness in behalf of the outraged law were recognized as parties who had been up in the Police Court as culprits, thieves and vagrants, time and again. As an extra precaution, towards night a detail of militia was ordered to be in readiness in case of need. Notwithstanding all that is here related, I am confident that at no time, except when the crowd followed the accused from the police station to the door of the Police Court, was there the least danger of mob violence to Thornton. At that time, in the first flush of anger for his deed, some reckless person might have rushed forward and struck him and thereby given an incentive to others to follow suit.

The press was very bitter in its denunciation of Thornton. He had no defenders. Even those who knew the provocation for his act were silent. The friends of Charless addressed an appeal to Judge Henry A. Clover to call an extra session of the Grand Jury, so that an indictment might be immediately returned against the accused. As the killing occurred on the 3rd of June and the next session of the Criminal Court, at which a Grand Jury would be empaneled, would commence the first Monday in July, the Judge very properly declined the request. No preliminary examination was had. The July Grand Jury indicted Joseph W. Thornton for murder in the first degree. The family of

Thornton employed to defend him one who was among the ablest advocates at the bar. Christian Kribben had not only mastered by study our laws, but he had fully mastered our language. He spoke it as fluently and correctly as any lawyer at the bar. Besides this, he was a fine judge of human nature, was logical and forcible in his declamation, at times reaching the domain of impassioned eloquence. It is a matter of regret that Christian Kribben never carried out his intention, and defended young Thornton. The case was docketed for the last time in the Criminal Court somewhere about September 8, 1859. At the calling of the case it was announced that Mr. Kribben was too sick to be in court, and further, that there was no likelihood of his being able to be present during the term. The press and general public were clamoring for a trial. The court had already delayed for one time, though the time was quite short. The Court announced that the accused would be given one week to prepare for trial, and as Thornton had no lawyer to defend him by reason of Kribben's illness, he would appoint lawyers to defend him. Thereupon, the Court appointed Messrs. T. G. C. Davis and William H. Lackland (a younger brother of Judge Lackland), who had not been very long at the bar. These appointees entered upon the preparation of the case; but having so short a time, that preparation was by no means perfect. The trial which lasted but two or three days ended in conviction on September 21, 1859. The press and the general public were satisfied with the verdict, but there were very many who sympathized with Thornton and thought that his provocation had not received due consideration.

The most noteworthy event in connection with the trial of Thornton was the appearance for the last time in a criminal trial of the illustrious lawyer, Edward Bates. He was employed by the relatives of Charless to assist the then Circuit Attorney, Mr. Charles G. Mauro, a conscientious, painstaking and persevering prosecutor. Two years following, Mr. Bates entered Lincoln's Cabinet, and his name is favorably associated with the political events of the most important period of our later history. Thornton was sentenced to hang on the 11th of November, not two months after his conviction. No appeal was taken. Before the day of execution arrived a very decided reaction set in favorable to saving the life of Thornton. Petitions and letters were sent to Gov. Stewart appealing for a commutation. The day before the one set for the execution, Gov. Stewart having not signified what his intentions were in the premises, several persons went to Jefferson City to see the Governor. He was not to be found. He kept away from the Capital on November 11, 1859, and numerous telegrams sent to him on that day were never read until Thornton had passed into the darkness of death.

Young and curious, I witnessed the execution of Thornton. I never have looked upon another. He stood on the scaffold calm, cool and resigned. There was no appearance of bravado. There was no sign of fear. The strain for self control was only made apparent when he stepped upon the raised platform to have his arms pinioned and the black cap put over his head. As this was being done, he pressed his jaws together one or twice in a way that made the muscles of that part of his face slightly protuberant and rigid, while his hands clinched in unison. He was exceedingly genteel in appearance, dignified and deferential, though polite to all those surrounding him. The stillness was oppressive. No word was heard except the reading of the death warrant and a short prayer from a priest. His farewells were few and inaudible. The small crowd assembled seemed dazed, appalled at the spectacle. Their faces were as pale as Thornton's. Some shed tears. The final scene was revolting. The drop was not sufficient to break the neck and in the throes of strangu-

lation Thornton's hand quiveringly reached the side of the platform of the opening through which he had fallen, and he strained to pull himself up. A deputy hastily pushed the hand off, and he shortly after ceased to struggle. From the time of the shooting to that of his death, he never spoke a word of regret. He felt persuaded that the provocation he received justified his act, though the law said otherwise.

I mentioned Judge Wilson Primm as being a distinguished member of the bar in the old time, and that he was associated with the defense in the case of the Montesquieu brothers. This was not the only noted case he was engaged in. Quite a number could be mentioned; but I deem it best, in view of the length already of this article, to speak of him in his judicial capacity. Judge Primm succeeded Judge Clover on the Criminal Bench. He went to the bench in 1863, and served until 1874. He made an admirable Judge. I became associated with him as Circuit Attorney in 1866, and continued in the position until 1872. During his term of service some very important and exciting trials were had. It was before him that I met for the first time in the forum Judge Lackland. It was in the case of the State vs. William Donaldson, charged with the murder of a negro named Anderson on the steamer "Great Republic," at the wharf in the City of St. Louis in the year 1868. Associated as a worthy assistant in this case was Col. A. W. Slayback, killed by John A. Cockerill, at that time editor of the Post-Dispatch.

The steamer "Great Republic" was the finest steamboat that was ever built on the Mississippi River. It ran between this city and the City of New Orleans. Captain Donaldson was known far and wide as a genial and generous man, and was one of the most popular officers on the river. Some hours prior to reaching the landing in the city he ordered two negroes, one by the name of Anderson and the other by the name of Glover, to be placed in irons for insubordination. The steamboat landed about 12 o'clock at night, and the Captain came up into the city, and, meeting some friends, joined in a convivial glass and then returned to the boat. Before retiring he called the porter of the boat and requested him to accompany him to the baggage room, where the negroes were in chains, saying that he proposed to release them. He got an old single-barreled Derringer pistol, however, and carried it with him on his mission. When he got in the room he discovered that Anderson was asleep. He aroused him with a kick and made him get up and then get down again, on his command, some three or four times. The last time that Anderson was getting up the pistol exploded and the ball went crashing through his brain. Glover, who was still in chains, became so frightened that he shrieked and jumped, broke his chain and ran up on the levee, and, meeting an officer, gave the alarm. Captain Donaldson sent for an attorney that night and delivered himself up. The attorney was L. M. Shreve. The killing occurred about the middle of the week. The Grand Jury was to meet the following week. In the interim, the porter of the boat who had accompanied Captain Donaldson to the baggage room, and Glover, the only two eye-witnesses to the killing, disappeared—left the country for Europe and remained away for over a year. Captain Donaldson was indicted, but because of the inability to obtain witnesses, the case was *nolle pross'd*. After this disposition of the case the two witnesses returned, Glover going down into South Carolina, and the porter, Samuel Ray by name, returning to his old home near Cincinnati. Ray was arrested and brought back to St. Louis; Glover was traced to his retreat in South Carolina and brought back to the city, and Captain Donaldson was reindicted. After a lengthy and exciting trial, he was acquitted.

Judge Lackland was greatly hampered in his defense of this case, as he always claimed, by erroneous advice given to his client not to surrender himself immediately after the shooting with a statement upon the Captain's part that the pistol was accidentally discharged. Captain Donaldson's reputation for peace and quiet and gentlemanly conduct was so universal that his friends have always claimed that the killing of Anderson was an accident. Notwithstanding the verdict in this case, the effect of the prosecution was to guarantee greater protection to negroes in their rights on steamboats on our Western waters.

Judge Primm, besides being a good lawyer, an eloquent advocate, a good classical scholar and able Judge, was withal a very agreeable companion and fond of story and anecdote. There was a strong vein of humor in him which sometimes was made manifest in court. On one occasion there was a newly elected and aspiring young assistant Circuit Attorney helping in the prosecution of a homicide case. He was questioning the Coroner, a physician who had examined the wounds on the deceased. All at once he propounded the following startling question: "Now, doctor, you say you held the *post mortem* examination on the body of this man. Will you please state to the jury whether you held that *post mortem* before or after he was dead?" As a quiet laugh went around the bar, Judge Primm, with great dignity, leaned over his desk and said: "Mr. Prosecuting Attorney, I hardly think it necessary to press that question. I am convinced the attorney for the defense will admit that the *post mortem* examination occurred *after* the man was dead."

The Judge was of a very sympathetic nature and always dealt leniently with boys who were brought before him to answer petty accusations. One day, during my term of Circuit Attorney, a case was called by a party charged with petit larceny. The defendant was brought forward and turned out to be a boy that looked not more than twelve years of age. He was quite a bright looking lad, and by his conduct and bearing soon aroused the interest of the Judge. In those days cases of this kind were tried in St. Louis in the presence of the Court and its officers, the jury, witnesses and the parties immediately interested. The public were excluded from the court room. In other words, there was a private trial had out of consideration for the feelings of all parties, and in case of conviction the child was sent to the House of Refuge. The jury were empaneled and duly sworn. The facts as related by the prosecuting witness were about as follows: He kept a small retail dry goods and clothing store on Franklin Avenue. His name showed him to be Hebrew and quite anxious to recover the value of the lost property. In some way the property, consisting of a bunch of woolen gloves, had been mislaid, but they were not really necessary to the trial, as the policeman at the time of the arrest found the property in the boy's possession and took him back to the store where the owner had identified them. It seems that the boy had been induced by a couple of older ones, stationed at a safe distance, to grab the bundle of gloves from a stand in front of the store and run away with them. He had done so and when seen and pursued had virtually run into the arms of the policeman. The anxious, frightened look of the little fellow as these facts came out were very noticeable and his small figure, fair face and genteel appearance aroused the sympathy of those present, and especially of the Judge. I could see this by the character of two or three questions he propounded to the policeman, who I had put on the stand first. The value of the articles charged in the indictment was, I think, two dollars. As soon as the witness left the stand the Judge beckoned me to him. As I walked up and stood on the steps leading to his seat, I could see a merry twinkle in his eye. "Mr. Circuit Attorney," said he, "see what is the lowest amount the prosecuting witness will take for his property and let's you and I com-

pound this misdemeanor by you paying half and I the other half.'' It is useless to add that the boy soon thereafter walked out in freedom.

Major Wright appeared in several cases before Judge Primm after the war was ended, and though still comparatively vigorous, he had lost much of his old fire. The wonderful changes occurring during that exciting period and in his absence seemed to greatly depress him. He only remained in St. Louis a short time and then located among relations in Virginia, where he died. A favorite theme of discussion with Major Wright in a criminal trial, when appropriate to the facts, was that of identification. His contention was that no man should be convicted on the testimony of one witness, where the accused was a stranger and seen but once and for a short time. He fortified his position by a number of cases of mistaken identity taken from the books, together with a number from his long and varied experience at the bar.

In some respects his position was correct, but I could not entirely agree with him. As a general thing, I believe, unless under the most favorable circumstances, intelligent men are slow to be positive about the identification of persons accused of crime. So much depends on the weakness or strength of the impressions made by the event producing them. Therein the nature of the event and the character of the individual govern. If the mind be aroused by a high state of excitement or emotion, and just at that time the impression is made by the association of a person with the exciting cause, the face seen under such circumstances is easily identified and rarely forgotten. Especially is this the case if the emotion be that of fear. The light of a flash of lightning enabled a lady, on her passage home from India, to see distinctly the features of a man who was robbing her trunk in the cabin of a vessel on a very dark night; and another like instance is given where, by the flash of a pistol or gun, sufficient light was momentarily afforded to enable not only an assailant to be recognized, but likewise the color and appearance of his horse.

In this connection and demonstrative of the power of the emotion of fear in enabling identification, I remember the recital of a case that occurred way back in the 'forties. I mentioned it incidentally once before in this article.

It was one of the early noted murder cases of the city. Major Floyd was an United States officer stationed here and lived somewhere in the neighborhood of where the Fair Grounds is now — perhaps not that far out, but in that direction. He was murdered at night and robbed of quite a considerable sum. My recollection is that he was acting paymaster of the army. The murder was committed by five men, and at the time of its execution, Mrs. Floyd was held in terror by threat of death by one of the actors. She was almost paralyzed with fear. During the time she caught but a glimpse of the assailant. The parties were tried separately. I have forgotten the name of this one whose fate depended almost entirely upon Mrs. Floyd's capacity to identify him. Blennerhassett was defending him. Mrs. Floyd was evidently a very conscientious lady. She was also intelligent and realized the awful responsibility of her position as a witness. The examination on the part of the State could draw nothing more from her than that she thought the prisoner at the bar was the man who stood over her on the fatal night. He looked like him — had his general appearance, etc. When pressed to swear positively to his identity, she hesitated and would go no further than her belief. Thereupon, she was put to the cross-examination, and the result shows what damage may lurk in cross-examination.

Blennerhassett pressed her on the point of identity. "You cannot, Madam, swear positively that this is the man who stood over you that night, can you?"

"I hardly feel that I can," was the response.

"Look at him now; see his features. Prisoner, stand up before Mrs. Floyd."

The prisoner advanced toward her. He had no more than reached to within a few feet of her than the witness gave a shriek and cried out, "It is he," and fell in a faint.

As soon as she recovered she swore positively to his identity, and could not be shaken from her position. His movement toward her and the look from his eye reproduced the mind condition of that night, as a flash of lightning revealed the identity of the man.

But that there have been many errors committed in the identification of parties accused of crime is unquestioned. Many innocent persons have suffered by such errors. It is surprising to read the conflicting testimony in the Tichborne case, and there are many yet who think the real claimant was defrauded of his rights by the verdict rendered in that trial. Then there was the Newby case. How the jury could reach a conclusion of the guilt of the accused beyond a reasonable doubt when there was so large a number of witnesses swearing to the identity of Newby as the simon-pure Newby, I never could understand. A very noted mistake of this kind came under my own observation when defending Frank James at Gallatin.

The prosecution was endeavoring to corroborate Dick Liddle's testimony as to the presence in the neighborhood of the hold-up of Frank James, and they introduced a man by the name of Wheeler, I think it was, who swore that the day before the train robbery, he rode up to a blacksmith shop some miles from Gallatin, and saw the defendant waiting for a horse that was being shod. He said it was a black horse, and after the blacksmith finished, the defendant mounted the horse and rode away. The witness was positive that it was defendant, Frank James. He said something to him, but received no answer, though he did say something to the blacksmith about his horse or some other horse. On cross-examination, I could not shake him; he got stronger and stronger in assertions, and finally swore that under no circumstances could he be mistaken. The truth was that James never had been there on the day mentioned; but the witness had seen and taken for Frank James a man who had been traveling through that part of the country for several years buying horses, and who on that date had his black horse shod, and spoke to the witness and the blacksmith. He was a slim, spare and light-haired man, who looked like James.

But, after all, the most remarkable case in my practice is the following:

In August, 1880, in the town of Eureka, Kan., the safe in the depot of the Santa Fe Railroad was broken open during the night, and quite a considerable sum of money carried away. For two days subsequent to the robbery a couple of strangers had been seen in the town and they had stopped at one of the hotels and registered. The principal one with whom we have to deal registered as "John Finnigan." The day following the robbery this "John Finnigan" was captured at a farm house of one Westbrook, several miles from Eureka. On searching him, several articles taken from the safe were found secreted on his person, and the evidence was conclusive that he had perpetrated the burglary, either alone or with another party. During his imprisonment at Eureka he was in the custody of the Sheriff as acting jailer, and his deputy. "Finnigan" was seen by a large number of citizens at the time of his preliminary examination, and was attended by a physician of the town, who lanced an abscess on his groin during the time of his incarceration. On the 12th day of October, the same year, he escaped from jail in company with two other prisoners, and disappeared. In August, 1883, three years after the burglary, John Finnigan, a former citizen of St. Louis, and then living in Dallas, Tex., was identified by a traveling salesman

as the "John Finnigan" who had escaped from Eureka, Kan., in 1880. There had been a reward offered by the Santa Fe Railroad Company for the Finnigan who had escaped.

John Finnigan, at the time of the charge made against him by the salesman, was the owner of several express and package wagons, and was doing a transporting business between the hotels and railroads at Dallas. On notification, the Sheriff of Eureka visited Texas and identified Mr. Finnigan as the man who had escaped from the Eureka jail in 1880. A contest was made by Finnigan to prevent his being taken away. To increase the strength of the case against him, the deputy Sheriff, in charge of the jail at the time of the escape, was sent for, and he also identified Mr. Finnigan as the man who had escaped. Finnigan's reputation in Dallas being good, and the magistrate being reluctant to send him away, the Sheriff from Eureka made a statement to the court, that during the incarceration of the man "Finnigan" in jail at Eureka, an operation had been performed upon him which left a scar on his right groin, and that if this man had a scar on him of like character, it would go far towards corroborating his statement. Upon examination, it was found that Finnigan had a scar located in the same place. This was sufficient to expel all doubts, and John Finnigan was taken to Eureka, Kan., under a requisition, to be tried upon the indictment for burglary found in 1880.

In August, 1880, John Finnigan, the party taken from Texas, was keeping a livery stable at the junction of Olive Street and Lindell Avenue, in the City of St. Louis. He had two brothers living there, one engaged for many years with a leading St. Louis carpet establishment, and the other in the restaurant business on St. Charles Street. He was honored and respected, and had never been accused of any offense. I went to Eureka and undertook his defense. The testimony presented many remarkable phases. Before my arrival at Eureka, at the request of the defendant, the Court asked a local attorney to prepare an affidavit requesting a short delay. This was signed by Mr. Finnigan, and the signature had an after-bearing on the case which will be seen. The trial was conducted principally by Mr. Sterry, representing the Santa Fe Railroad Company, associated with two other local attorneys and the public prosecutor. Mr. Sterry is the attorney who so ably prosecuted the State vs. Mrs. Walkup, tried in Kansas, and charged with poisoning her husband. After proof of the burglary, they introduced Mr. Bradish, who arrested "John Finnigan" in 1880, searched his person and took him to jail. He identified the defendant as the man he arrested. Another witness, Mr. M. J. Vernon, testified he was present at the time of the arrest and assisted in it. He described the man he arrested and how he was dressed; said he had a small scar on the forehead, just under the hair; that he was positive the defendant at the bar was the man he helped to arrest; that he saw the defendant in Texas; that he went there for the purpose of seeing if he were the man he had formerly arrested, and who had escaped from the jail; that he was sent by the deputy Sheriff; that he identified him as soon as he saw him; that he was positive, but of course *might* be mistaken. Another witness by the name of Ellington, saw the prisoner at the time of the arrest in 1880. He identified the defendant as being the same man. Dr. Wakefield testified that he was called to see one "John Finnigan" in jail at Eureka in 1880; that he lanced an abscess in the right groin. "I have seen this man since he was brought here from Texas," the doctor said. "The scar is about in the same location where I lanced, and it is my judgment that it is the scar left from my lance. I think he is the man, because of the scar, in connection with other circumstances. I might be mistaken; I know from the books that mistakes in identity have often occurred." Besides these parties, the Justice

who heard the preliminary examination in the case, identified the defendant as the man who was present in his court in 1880; said he looked like an old friend of his. Mr. Westbrook, another witness, near whose house the arrest took place, identified the defendant as the one who was arrested. E. Ames, during the time a prisoner in the jail, also identified defendant as the one who escaped. General Rogers, County Attorney, who attended the preliminary examination, identified defendant as the man who was a prisoner in 1880, though he said he might be mistaken. Two other citizens testified to the same facts. W. E. Doud, publisher of the paper at that time, was so positive that the prisoner at the bar was the same man he had seen in the Justice's office and had escaped in 1880, that he *could not be mistaken*. He said that if every man in Eureka thought different, that he would think the same. Deputy Sheriff Wallace and two other citizens, Dickson and Biby by name, swore to the same facts.

This was the testimony of the first day, and covered the State's case. It looked almost like there was no chance for my client. On cross-examination, however, most of these parties admitted that there might be a mistake; that the intervention of three years made it possible, but that they never had seen so striking a likeness as that between the defendant at the bar and the prisoner who escaped in 1880. The feeling in the community was that my client was the guilty man and ought to be punished for the burglary. John Finnigan, in 1880, in connection with his livery stable in the City of St. Louis, conducted an undertaking business. Now, the truth was, that Mr. Finnigan was in St. Louis on the day of the burglary, and had never been in Kansas in his life. Mr. Frank Ferber, of that city, a butcher, was a witness, and he took his books with him and showed an entry where he had made a sale to Mr. Finnigan in person on the very day of the burglary and larceny at the depot in Eureka. John B. Meer, an Olive Street grocer, living a short distance from Mr. Finnigan, also testified as to his presence on that day in his grocery establishment, and his books showed, from day to day in that month, purchases made by Mr. Finnigan. Mr. William Proctor established Finnigan's presence in his office on that day in superintending the making and delivery of a deed of trust on some property upon which he had borrowed some money. Mr. John H. Williams, engaged in the lumber business and who had kept his horse for years with Mr. Finnigan, had loaned $500 to Finnigan the very week that this burglary took place, and had taken his deed of trust, as above referred to, for its payment, and had conversed with Mr. Finnigan on the 8th, 9th, 10th, 11th and 12th days of August, 1880. The deed of trust and record were given in evidence. Both of Mr. Finnigan's brothers testified as to his presence at his house during that week, and one of the Finnigans having made a purchase for his brother from a St. Louis firm. A strange physical fact went further than all else to strengthen this alibi. It seems that Mr. Ballis had lost a child during the month of August, 1880, and that Mr. Finnigan had been engaged to act as undertaker. Now, by a fortunate coincidence, the burial permit issued to John Finnigan upon this child was dated the very day of the burglary at Eureka, and the certificate from the Register's office with John Finnigan's signature was duly established in evidence. In that connection, the relatives of the child testified as to the facts of the burial also, and one to the fact of sitting up with the dead body. Two other citizens, whose names I have forgotten, testified to their having business dealings with Finnigan the week of this transaction. And quite a number of depositions were taken to establish Mr. Finnigan's good character. Upon examination of the hotel register at Eureka, wherein the alleged "John Finnigan" and his companion had registered their names in 1880, and comparison with the

signature of John Finnigan signed to the affidavit referred to above, it was found that the handwriting was entirely dissimilar, and experts so testified. To close this remarkable case, testimony was then presented which established that the wound on the groin of the defendant was not made by a lance, but by his having been thrown from a wagon and dragged some distance over a stubblefield, he holding on to the lines. The result was as might be expected. I think this is a remarkable case; and though at first it looked very dark for Mr. Finnigan, yet the sky brightened and he reached the goal of freedom. At the close of the defendant's testimony there were no persons more surprised thereat than Mr. Sterry and his associates. To their credit, however, it may be said they were also highly pleased to see Mr. Finnigan escape from his unfortunate and dangerous situation.

But after all, the most interesting and instructive recollections I have are connected with the Duestrow murder case. I have not the time nor space to refer to it at length in this article. The facts and circumstances of his trial, conviction and execution are still fresh in the memory of at least every lawyer in this State. It affords a subject worthy of more length than the requirements of this article permits. One thing, however, in that case is different in its final scene from any that I can remember. I know of no instance of another case where the lawyer performed the last sad rites at the grave, and because of that fact and by request I close this article with my

REMARKS AT THE GRAVE OF ARTHUR DUESTROW.

"To say anything at the grave of Arthur Duestrow was something I had not thought of until this morning. But the circumstances surrounding his life since I met him the morning after the fatal tragedy, are of such a character as I think warrant me in making a few remarks which I deem due to his memory. No one has been his continuous associate since I took charge of his case but myself, and from my intimate knowledge of the man, and all the facts of his case, I wish to say here in the presence of his remains, that he is the victim of a judicial murder. His offense in its every characteristic was apparently brutal, but God had afflicted him in a manner that should have made him irresponsible in law, and the extent of his culpability should have been left to his maker. During his long, bitter and relentless prosecution, I never asked anything in his behalf further than incarceration in an insane asylum. I fully realized that there was the place humanity dictated his assignment. Time would then have been given to clearly establish what I have known from the first, that he was afflicted with that direst disease, insanity.

"It is claimed, my friends, that this is a triumph of the law and a just punishment of its victim. I say here in the presence of you few and in the presence of my God, of whom I have a full recognition, both as to his power and his mercy, that it is a disgrace to the humanity of the age—a triumph of ignorance and prejudice as against every effort of science and legal skill to protect a poor afflicted son of humanity. It is illustrative of a retrogression to the cruel savagery of past ages. Every effort that I have made to get a just and humane view of this man's case has been thwarted by misrepresentation and abuse heaped upon him, which he had no power to repel and which I was powerless to counteract.

"The efforts of the most skilled, careful and conscientious physicians were of no avail. All those expedients that years of wisdom and experience have incorporated into the law to protect the rights of the individual against aggressions of high power or the cry of the mob, have been treated, not only with indifference, but I may say, with contempt by the press and by subordinate and superior courts. Even the paltry bequest that Christianity

guarantees to the condemned has been denied by a weak and vacillating Executive. This man was not allowed Christian preparation for death. Time was not granted to the few who were interested in his fate to consider the matter at all. In his insane state, he imagined that he was another being than Arthur Duestrow. Whether the ministrations of a Protestant clergyman or a Catholic priest could have helped him in his clouded intellect I know not; but the opinion of mankind has been that under such circumstances, it is but right for the authorities of a civilized State to guarantee it to the highest and the lowest alike. There are, my friends, none of the usual burial ceremonies here.

"Such being the case, it can hardly be deemed sacrilegious for me to commend his soul to the merciful consideration of the great God. 'After life's fitful fever he sleeps well.' In the calm and dispassionate forum of scientific and historical investigation, the character of his act will be determined and his irresponsibility conceded. From out the darkened intellect, as he stood on the scaffold, there came words of forgiveness to those by whom, in his imaginary character, he was being wronged. In the same spirit, it is not unbecoming for me to say—God forgive all those who have done wrong to the poor insane atom of humanity whose remains we consign to this lowly grave."

St. Louis, Mo.,
January, 1898.

THE OLD BAR OF ST. LOUIS.

BY GEORGE H. SHIELDS.

THE terms new and old are relative, and as this grand metropolis of the Mississippi basin is considerably over a hundred years old, it furnishes a broad field for comparison. More than three generations have passed since lawyers began to serve at the altar of the blind goddess Justice within the limits of this city. Even the oldest living member of the bar can remember when he was first beginning to practice, that there were heads white with age and forms bent with years of men who had passed their prime at the St. Louis bar, and had won laurels of affection and respect in their profession from the people. The bar is ever new, as aspiring energetic young men ambitious for fame and fortune fill the places of those who pass away; and yet it is ever old, for there always linger those who have grown gray in its service, and who are regarded as the Nestors of the profession and looked up to with veneration and affection by their young associates. Some few members remain whose well spent years link the existing bar of St. Louis with its early history, and prove that the old is ever new and the new is ever old.

Who then compose the old bar of St. Louis? Where shall the line be drawn? Who shall assume to make the assignment to the respective classes? Surely not I. Yet Death, with ruthless hand and inexorable exactness, sooner or later makes up the roll of the past, and leaves the present for a little while only to become the past to-morrow. Let us then consider that the living bar is the new, and that the honored dead compose the old. This will bring us close to some who were but yesterday with us, and carry us back to the earliest days of the history of our city. It will be impossible within the limits assigned to this article to speak of all who have graced the profession and whose lives and attainments have given character to the bar of St. Louis; still more impossible will it be to do full justice to the lives and careers of the eminent men who will be mentioned, as only the merest outline can be given, and many may be overlooked whom a better informed biographer would include. But the characters of those who have given tone to the bar of St. Louis and have passed from the scene of their activity to a higher plane of existence are not dependent upon the pen of an historian. They live in the memories of their friends, and no word here inscribed or omitted will add to their fame or detract from their glory.

A sketch of the old bar would not be complete without some reference to St. Louis in its earliest days. Being part of the Louisiana Purchase and having been under the laws of France and Spain before becoming a part of the great empire of the people, naturally all of the customs and habits of its early settlers were more or less tinged with the principles of the civil law. The emigrants from the Eastern States and from New England brought with them the common law, and this lack of homogenity among the people found expression in the complications which the lawyers of that day had to face. This was particularly manifested in the land titles.

A lack of books of reference, and the general characteristics of a hardy, energetic pioneer people required quick wit, undaunted courage and thorough acquaintance with the general principles of law from those early lawyers, and a man won position as an attorney or counsellor then by reason of his merits alone. Of course, as has ever been the case, politics became a large part of the lawyer's life, and the fierce partisan conflicts of those days necessitated a wide acquaintance with the people. Advocacy was a far more prominent factor in the practice then than it has become in these days of the supremacy of the Press. The history of the early St. Louis bar develops not only many great lawyers but many fine orators. St. Louis being the center of business in the Territory, it naturally also became the center of litigation. As there were no collection agencies, few corporations, fewer banks and no trust companies or great corporate monopolies, and as land titles were unsettled or so complicated as to defy settlement, the profession of those early days offered greater inducements to the talented young men of the country than it does at the close of the nineteenth century.

The limits of this article confine me to mere outline sketches of the old bar arranged as near as may be in the order of their coming to the St. Louis bar. It would be interesting to give anecdotes and incidents, but those must be omitted.*

Rufus Easton was among the lawyers who came to St. Louis soon after the Louisiana Purchase in 1804. He was born in Connecticut in 1774, where he studied law, and came to St. Louis in 1804. He was appointed Judge of the Territory of Louisiana in 1805 and afterwards was appointed by President Jefferson United States Attorney. When the Post Office was established in St. Louis in 1808 he was appointed first Postmaster. In 1814 he was elected Delegate to Congress and served four years. In 1821 he was appointed Attorney General of the State and served till 1826. Mr. Easton was at the head of the bar in the Territory and did much to mould the laws and public sentiment of those early days. While not what is termed an eloquent speaker, he was noted for the clearness of his expression and power of analysis and his great executive ability. He died in 1834. His oldest son, Alton R. Easton, was born in St. Louis in 1807, and although not a lawyer became a very influential citizen and held many official positions. He served in the Mexican War and in 1853 was appointed Assistant Treasurer of the United States here. From 1860 to 1864 he was a member of the County Court, and during the "late unpleasantness" he was Inspector General of the State of Missouri and rendered efficient service in behalf of the Union. He was appointed by President Grant, Assessor of Internal Revenue, and afterwards Pension Agent. He retired to private life in 1877 and died a few years ago respected by the whole community. There are not many of the older members of the bar who do not remember Colonel A. R. Easton. The lives of these two men, father and son, the first among the settlers of Missouri long before it became a State, and the other but a few years ago a prominent man in our midst, remind us how short a time our State history really covers; and when we remember that Rufus Easton was born in 1774, two years before the Declaration of Independence, and that his son lived among us but yesterday, we have a new view of the shortness of time required to develop the greatest Nation on earth.

William C. Carr was born in Virginia in 1783; received an academic education. He came to Missouri in 1804 and was admitted to the bar. In 1826 he was appointed Judge

* For historical data I am indebted to the "Bench and Bar of Missouri," by Judge Bay, the "Bench and Bar of Missouri Cities," Scharff's "Saint Louis City and County," and the "United States Biographical Dictionary for Missouri."

of the St. Louis Circuit Court, which he held till 1833, when he resigned. He died in St. Louis March 31, 1851, in his sixty-eighth year.

Edward Hempstead was born in New London, Conn., June 3, 1780; was admitted to the bar in 1801; came West and settled in St. Louis in 1805. In 1806 was appointed Deputy Attorney General for the district of St. Louis and St. Charles; from 1809 to 1811 was Attorney General for the Territory of Upper Louisiana. He was the first Delegate to Congress from west of the Mississippi and represented the Territory from 1811 to 1814. He died in St. Louis in August, 1817. He was a fine lawyer and thoroughly acquainted with the laws and regulations of the Territory and faithful to all the obligations he assumed, professionally and politically. It was largely through his efforts that the early titles were confirmed to the settlers, and to him and Colonel Thomas F. Reddick our public schools owe their magnificent endowment through the confirmation acts and appropriation of lands to the public schools.

John B. C. Lucas was born in France in 1762; graduated as a lawyer in 1782; emigrated to the United States and settled in Pennsylvania. Went to Congress from Pennsylvania, and in 1805 President Jefferson appointed him Judge of the United States Court in Upper Louisiana, when he settled in St. Louis, where he lived until his death. He also held the office of Commissioner of Land Titles and at the first State Legislature was candidate for the United State Senate against Colonel Benton. He was a sound lawyer and a good Judge. He died at the age of eighty years, in 1842.

Silas Bent was born in Massachusetts in 1768. In 1788 he came to Ohio and in July, 1806, he was appointed by Secretary of the Treasury, Albert Gallatin, Deputy Surveyor for the Territory, and removed to St. Louis September 17, 1806. In 1807 he was appointed first Judge of the Court of Common Pleas and Court of Quarter Sessions for the District of St. Louis. In 1809 was made Presiding Judge of the St. Louis Court of Common Pleas. He also held other public positions. On February 21, 1813, he was appointed by President Madison as Judge of the Supreme Court of Missouri Territory and held the office until the admission of the State, when he was appointed Clerk of the St. Louis County Court, which he held until the time of his death. He was a man of extensive learning and an able jurist and of great executive ability. He died November 20, 1827, in the sixtieth year of his age.

Thomas Hart Benton was born in North Carolina March 14, 1782, was admitted to the bar in 1808 in Tennessee, elected to Tennessee Legislature in 1811. He became aid de camp to General Jackson in the War of 1812 and became afterwards Colonel of a Tennessee regiment. He moved to St. Louis in 1813 and opened a law office. He also took an active interest in politics, and when in 1820 a Convention met and formed the Constitution for Missouri, the Legislature elected David Barton and Colonel Benton the first Senators. The State was admitted into the Union in 1821, and these Senators were seated. Colonel Benton continued to represent Missouri as Senator for thirty years, and his after life was rather that of a statesman than a lawyer. He was active in all the debates on the momentous questions which were before the people of the United States from 1820 to 1850. He was positive in his convictions, and never hesitated to express his views on public questions. He opposed the renewal of the charter of the old United States Bank, and was largely instrumental in its final overthrow. He was a "hard money" Democrat and was called "Old Bullion." He was particularly active in measures which he believed to be for the interests of the people of his State and the West generally and this

was one of the elements of his popularity in the State. He was the advocate of a railroad across the Continent uniting the Atlantic and Pacific Oceans long before such road was built. His continuous fight to expunge the resolutions of the Senate censuring President Andrew Jackson for usurpation of power, which was finally accomplished, shows the tenacity of his character. It would be impossible within the limits of this article even to enumerate the many public acts of Colonel Benton. While he was a cold and reserved man and a man of great egotism, and vindictive against his political enemies, he was a man of kind impulses and true to his friends, and in the later years of his life became reconciled to men whom he had regarded his enemies. While his opportunities to amass wealth were great, he died poor. His "Thirty Years View" or "History of the Workings of the American Government from 1820 to 1850," and his "Abridgement of the Debates in Congress from the Foundation of the Government to 1856," are standard authorities and of great value to the statesman and the student of history. Mr. Benton was elected to Congress from St. Louis after he left the Senate and was defeated for Governor in 1856 by Governor Polk. He died in Washington City on April 10, 1858. In the old hall of Representatives at Washington each State can place two statues to commemorate its most prominent citizens. That of Thomas Hart Benton appropriately occupies one of those places from Missouri. As a boy I remember hearing him speak at New London, Ralls County, Mo., in 1856. He impressed me then as a very great man from his manner and gestures, and the clear enunciation of his words. I will always remember the sarcastic vigor with which he attacked his political opponents and defended his own course as a public man.

David Barton was born in Tennessee. He was an Indian ranger in the War of 1812 and came to Missouri at an early period. He became very popular on account of his oratorical ability and was chosen Delegate to the State Convention to frame the Constitution, which met in 1820, and became its presiding officer. He was elected as the first Senator from the State and made considerable reputation by his eloquence in the Senate. He was also Judge of the Circuit Court in St. Louis, but resigned in December, 1817. He died in September, 1837.

Joshua Barton, the brother of David, studied law in the office of Rufus Easton. He was less eloquent but more logical than his brother and stood very high at the bar. He was Secretary of State for a short time and afterwards appointed United States District Attorney. He lost his life in a duel in 1823.

Robert Wash was born in Virginia in 1790, graduated in William and Mary College in 1808, and at the close of the War of 1812, emigrated to St. Louis, where he was appointed United States District Attorney. He was appointed Judge of the Supreme Court of Missouri shortly after the organization of the State and resigned the office in May, 1837. His opinions while on the bench were generally acceptable to the profession. He was a kind-hearted man and very generous and hospitable. He died in November, 1856, in his sixty-sixth year.

Henry S. Geyer was born in Maryland in 1790, volunteered in the War of 1812, and at the close of the war removed to St. Louis. He was chosen Captain of the first military company west of the Mississippi River and was known generally by that title. He was a member of the Convention which framed the State Constitution in 1820 and served in the Legislature three terms, and was Speaker of the House, an office which he filled with distinguished ability. In 1825 he published a digest of the laws of Missouri. He was a man of great talent and thorough equipment as a lawyer and was retained in nearly all the impor-

tant land suits growing out of the Spanish grants and New Madrid locations and was very successful in handling such cases against the leading lawyers of the country. He was a logical, argumentative speaker and a man of dignified and reserved character. Judge Bay, in his work, "The Bench and Bar of Missouri," says: "If called upon to decide who in our judgment was the greatest lawyer at the Missouri bar, we should unhesitatingly say Henry S. Geyer; not that he was the superior of Gamble, Leonard, or Field, in his knowledge of law relating to real estate; not that he was the equal of Josiah Spalding as a commercial lawyer; nor the equal of Edward Bates in impassioned eloquence; yet, taking everything into consideration, he was the superior of all." He was elected to the United States Senate in 1851. He died in St. Louis March 5, 1859, at the age of sixty-one.

Edward Bates. Born in Virginia, September 4, 1793, of Quaker ancestors, Edward Bates came to Missouri in 1814, studied law with Rufus Easton and was admitted to the bar in 1816. In 1820 was chosen Delegate to the State Constitutional Convention and the same year was appointed Attorney General of the State. He was a member of the first Legislature of Missouri and afterwards United States Attorney for the Missouri District. In 1827 he was elected to Congress, in 1830 was sent to the State Senate, and in 1834 to the Legislature, and in 1850 was tendered a seat in President Filmore's Cabinet, which he declined. In 1853 he was elected Judge of the St. Louis Land Court, was President of the Whig National Convention in Baltimore in 1856, and in 1861 was chosen by Mr. Lincoln as Attorney General. Mr. Bates was a man of great eloquence, a fluent and facile speaker, a lawyer of great power and erudition and ranked with such men as Geyer, Gamble, Leonard and Field. He was a man of refinement and dignity and of great kindness of heart and was idolized by the people of St. Louis. He died in St. Louis March 25, 1869, at the age of seventy-six. A bronze statue of him stands at the entrance of Forest Park.

Hamilton R. Gamble was born in Virginia, November 29, 1798, and educated at Hampden Sidney College, Virginia. In 1818 came to St. Louis, but in a short time removed to old Franklin in Howard County, where he was appointed Prosecuting Attorney. In 1824 he was appointed Secretary of State and removed to St. Charles, then the seat of government. Soon after he returned to St. Louis. In 1846 he was elected to the Legislature. In 1851 he was elected to the Supreme Court, but resigned in 1855. During the War of the Rebellion he was a most intense Union man and largely influenced the people of the State to remain in the Union. The State Convention called for the purpose of passing an ordinance of secession met in Jefferson City, February 28, 1861, with a large majority of the Convention in favor of the Union, determined that Missouri should not secede, and on July 22 reassembled and deposed Governor Jackson and the other State officers and organized a provisional government and elected Judge Gamble Governor and Willard P. Hall as Lieutenant Governor. Governor Gamble's administration as Governor was marked with great ability. It was largely his great common sense and good judgment that carried us safely through the trying period of the war. He was very successful as a lawyer, being retained in almost all important cases in St. Louis. He had a clear, logical mind, a very retentive memory and great power of analysis, and his briefs and arguments and opinions on the Supreme Bench show that he was thoroughly familiar with legal principles. He was not an orator in the ordinary sense of the word, but manifested great sagacity in the presentation of his cases. He died in Washington, January 21, 1864. On the day of his burial business in St. Louis was suspended, public buildings and stores draped in mourning and people generally manifested their sorrow at his decease and affection for his memory by attending the funeral.

Rufus Pettibone, who was born in Connecticut in 1784, graduated at Williams College, Massachusetts, in 1805, studied law in New York and was admitted to the bar in 1809 and was elected to the State Legislature in New York in 1812. He removed to St. Louis in May, 1818, and became the partner of Colonel Rufus Easton, who was at that time one of the most prominent lawyers of the St. Louis bar. He was appointed Judge of the Second Judicial Circuit, which was then composed of the counties of Ralls, Pike, Lincoln, St. Charles, Montgomery, Callaway and Gasconade. His first court was held in Louisiana, Pike County, in February, 1821, and in 1823 he was appointed to fill a vacancy on the Supreme Bench of the State, which he held until July, 1825. He was a ripe scholar and sound lawyer and died July 31, 1825. He died in St Louis in 1852.

Josiah Spalding was a native of Connecticut and removed to St. Louis in the winter of 1819-20. He had a logical, analytical mind and was very successful at the bar, devoting his attention more particularly to commercial law. He was a very industrious man and always thoroughly prepared in his cases and was a true and consistent Christian and regarded by all who knew as a strong and safe counsellor. He died in St. Louis in 1852.

James H. Peck came to St. Louis about the time of the organization of the State government. He was appointed Judge of the Federal Court at St. Louis in 1826. Articles of impeachment were preferred against him charging him with tyranny, oppression and usurpation of power, growing out of difficulty with Luke Lawless, then a prominent member of the bar. As the case involved questions of great importance in regard to the power to punish contempt and the liberty of the press, such men as Messrs. Buchanan, Stores, McDuffie, Spencer and Wyckliffe were managers to conduct the prosecution. Mr. Peck was defended by Mr. Meredith of Pennsylvania, and William Wirt of Virginia. Among the members of the High Court of Impeachment were Webster, Livingston, Chase and other eminent jurists. The trial occupied six weeks and resulted in Judge Peck's acquittal.

Luke Lawless was born in Ireland in 1781; graduated at the Dublin University and volunteered in the army of Napoleon. About 1824 he immigrated to St. Louis, where he remained till his death. In 1837 he was appointed Judge of the St. Louis Circuit Court. He was a fine linguist and thoroughly versed in both civil and common law and ranked among the best members of the bar of his time. He died in 1846 at the age of sixty-five.

Beverly Allen was born in Virginia in 1800, graduated at Princeton College, studied law with Judge Upshur and came to St. Louis in 1827. He was appointed in 1827 United States District Attorney by President J. Q. Adams. He also filled the offices of State Attorney, member City Council, and the State Senate. He ranked among the leading lawyers of the State and was grave, dignified and courteous. He was a forcible, logical forensic debater. He died September 12, 1845, in the forty-fifth year of his age.

John F. Darby was born in North Carolina, December 10, 1803. He first came to St. Louis in 1818. He read law in the office of John J. Crittenden of Kentucky, and returned to St. Louis in 1826 and was admitted to the bar in 1827. He served four terms as Mayor of St. Louis, from 1835 to 1840. He was a member of the State Senate in 1838, and introduced the bill incorporating the St. Louis Law Library. He was elected to Congress from the First District in 1850 and continued in full practice to the time of his death. He was successful as a lawyer and was engaged as counsel in many of the New Madrid and Spanish land grant cases. He died in 1882, beloved and esteemed by all who knew him.

Wilson Primm was born in St. Louis in 1810; studied law with Edward Bates and began to practice in St. Louis when admitted to the bar in 1831. At one time he was in

partnership with the Hon. Charles D. Drake. He was a strong advocate of public improvements and of the common school system, and did much to advance both. In 1834 he was elected to the General Assembly of Missouri, and in 1862 was elected Judge of the St. Louis Criminal Court, where he remained for thirteen years. He was a man of great accomplishments and geniality of manner, a beautiful and eloquent speaker, fine linguist and thoroughly grounded in the principles of the law. He died January, 1878, at the age of sixty-eight.

Bryan Mullanphy was born of Irish parentage in Baltimore in 1809. He was educated in France and England and began to practice in St. Louis. He was a man of studious habits, a good legal mind and an impressive speaker, and thoroughly familiar with the principles of the law. In 1840 he was elected to the St. Louis Circuit Bench. He was a man of eccentric disposition and frequently appeared discourteous, but in reality was a man of great charity. He was elected Mayor of St. Louis in 1847. He left by will one-third of his property to the City of St. Louis in trust to constitute a fund to furnish relief to all poor emigrants and travelers coming into St. Louis on their way, *bona fide*, to settle in the West, which trust is still being executed by the city, and is known as the Mullanphy Emigrant Relief Fund. He died in June, 1851.

James B. Bowlin was born in Virginia in 1804; received an ordinary English education; studied law and was licensed to practice in 1826. In October, 1833, he came to St. Louis and opened a law office and soon gained a fair practice. He became editor of the Missouri Argus. Was elected Chief Clerk of the House of Representatives, and in 1836 was elected to the Legislature. In 1837 was appointed District Attorney for St. Louis. He was elected Judge of the Criminal Court in St. Louis and afterwards, in 1842, was elected to Congress, where he served for four terms. In 1854 he was appointed Minister resident to New Granada, and in 1858 Commissioner to Paraguay. While Judge of the Criminal Court he contributed much by his coolness and bravery to stamp out violence and crime. In all the positions which he held he was faithful, competent and upright; in his intercourse with his fellow men he was very popular and stood very high in the estimation of his fellow citizens. He died July 19, 1874.

Lewis V. Bogy was born in Missouri in 1813, graduated at law school of the Transylvania University, Kentucky, in 1835, opened a law office in St. Louis in 1835 and continued in practice till 1849. He was elected to the Legislature in 1840. In 1849 he removed to Ste. Genevieve. In 1867 he was appointed Commissioner of Indian Affairs by President Johnson. In 1873 he was elected United States Senator. He was a man of ability and an earnest, fluent speaker. His practice at the bar was confined to land suits. He did not devote his life to the profession, but paid much attention to other pursuits and to politics. He died in St. Louis in 1877.

Charles D. Drake was born in Ohio in 1810, became a cadet in the United States Navy, which he left in 1834 and located in Springfield, Ill., to practice law. In the same year he moved to St. Louis and formed a law partnership with Wilson Primm. In 1847 he removed to Cincinnati, but returned to St. Louis in 1850, entering into partnership with John S. Darby. In 1854 he published his work on attachments which has passed through seventeen editions and is a standard on this subject. He was a member of the Missouri Legislature of 1859–60 and also of the State Convention of 1861 to its close in 1864. He was elected to the Constitutional Convention of 1865, and was a very active and influential member of said Convention. In 1867 he was elected United States Senator, which he held till Decem-

ber, 1870, when he resigned to accept the office of Chief Justice of the Court of Claims, which he held for many years, and after retiring from the bench lived in the City of Washington. Mr. Drake was one of the early founders of the St. Louis Law Library, and probably it would not have survived without his aid. He was a man of positive convictions and thoroughly versed in the principles of the law. He was very outspoken and impressed his convictions on others. He was a fine lawyer, and although very set in his views and opinions, he had many friends and stood high in the estimation of the public. He died in Washington in April, 1892, and was buried in St. Louis.

Trusten Polk was born in Delaware in 1811, graduated at Yale, studied law in Delaware and emigrated to St. Louis in 1835. Was City Counselor of St. Louis in 1843 and in 1856 was elected Governor of the State, defeating Colonel Benton. A short time afterwards was elected to the United States Senate, where he served until the beginning of the War of the Rebellion, when he resigned. He was a sound lawyer and close, logical reasoner. He was very popular with the junior members of the bar, because he so frequently displayed his friendship for them. He was a man of high sense of honor and of great courtesy. He died in St. Louis in 1876.

Thomas B. Hudson was born in Tennessee in 1814. Received an academic education; removed to St. Louis and was admitted to the bar in 1835. From 1842 to 1843 he was City Counselor of St. Louis and in 1842 was elected to the State Legislature. He was a very successful lawyer and a good parliamentarian and a ready and fluent debater. On the breaking out of the Mexican War he raised a company and accompanied Doniphan in his march to Chihuahua and proved himself a gallant soldier. He was a man of social, genial disposition and a warm heart and was active in promoting public improvements, being at one time President of the North Missouri Railroad Company. He died in St. Louis in 1867 at the age of fifty-three.

Alexander Hamilton was born in Pennsylvania in 1812. Was educated in New Jersey and came to St. Louis in 1836 and was admitted to the bar in that year. From 1847 to 1857 he was Judge of the St. Louis Circuit Court. He was a fine lawyer, an industrious man and greatly esteemed by all who knew him for his kindly nature, his politeness and his many good qualities. He died in St. Louis in 1882.

Uriel Wright was born in Virginia in 1805. In 1833 he removed to Missouri and settled in Palmyra, Marion County. He represented that county in the Legislature in 1836-7. He soon afterwards moved to St. Louis, where he took a high stand at the bar, devoting his attention more particularly to criminal law. He had great knowledge of men which enabled him to select his juries with great skill, and as an orator he was without a peer. His practice was not confined to criminal cases, as his success in civil cases was also great. He was perhaps the most eloquent man that ever practiced in St. Louis. He was called by Prentiss "The Orator of the Mississippi Valley." He died in 1869.

Montgomery Blair was born in Kentucky in 1813, graduated at West Point in 1835 and served in the Seminole War. Came to St. Louis in 1837 and was soon afterwards admitted to the bar. In 1839 he was appointed United States District Attorney for Missouri. From 1843 till 1849 he served as Judge of the St. Louis Court of Common Pleas. In 1852 he removed to Maryland and in 1855 was appointed solicitor of the United States Court of Claims. He served in the Cabinet of President Lincoln from 1861 till 1864 as Postmaster General. He was a man of integrity, courage, of great attainments as a lawyer and of great ability as a man.

Myron Leslie was born in Vermont, came to St. Louis in 1838 and entered upon the practice. In 1842 he was appointed Circuit Attorney and afterwards elected to the State Senate. In 1845 was elected Delegate to the Constitutional Convention. He was a sound lawyer and an eloquent and strong speaker. He died in St. Louis in March, 1854.

Thomas Tasker Gantt was born in 1814 in the District of Columbia; was educated at Georgetown College and West Point. In 1838 he was admitted to the bar in Maryland, and in May, 1839, removed to St. Louis. He was United States District Attorney from 1845 to 1849 and City Counselor in 1853 and 1856, and was a member of the State Convention called by the General Assembly of Missouri in 1861 to pass an ordinance of secession. He was also a member of the Constitutional Convention which framed the present Constitution of the State in 1875. It was in this convention that the writer first became acquainted with Colonel Gantt. Both being from the same city we were thrown more or less together and a very pleasant acquaintance was begun and continued till Colonel Gantt's death. In 1876 he became Judge of the St. Louis Court of Appeals and served several years. He was the author of the provision in the Constitution for the separation of the City of St. Louis from the County, which was afterwards carried into effect by the adoption in 1876 of the Scheme and Charter which still governs the City of St. Louis. He was a man of very keen sense of justice and a high sense of honor and possessed great literary accomplishments as well as profound judicial knowledge. He was rather irascible at times and quick to resent an insult and also quick to forgive and acknowledge his wrong if convinced of the fact. He died in the City of St. Louis in April, 1889.

Albert Todd was born in New York in 1813, graduated from Yale in 1836; read law in New York and came to St. Louis in 1839. Was admitted to the bar in the following year and was engaged in practice till his death. He was a member of the Legislature in 1854, and a member of the Constitutional Convention in 1875 and a member of the Board of Freeholders which formed the present City Charter of St. Louis. My first acquaintance with Mr. Todd began when we were both members of the Constitutional Convention of Missouri—(1875)—from St. Louis and we were again associated as members of the Board of Freeholders which formed the St. Louis charter. The acquaintance thus began continued through Mr. Todd's life. He was a man of great learning and of the most genial disposition. His practice was largely confined to office practice but he was recognized as a proficient lawyer and a safe counselor. He was a public spirited man and took great interest in the advancement of education and in measures which tended to promote the welfare of the city. He died in 1885.

John R. Shepley was born in Massachusetts. When Maine became a State his father made that State his home, being a member of its first Constitutional Convention and District Attorney of the United States and a member of Congress and Senate, and afterwards Chief Justice of the Supreme Court of Maine. John R. Shepley came to St. Louis in 1840 or 1841 and studied law for a while in the office of Mr. Henry S. Geyer and was admitted to the bar of Missouri. He first formed a partnership with Mr. Spalding, and then with Mr. Haight, and later became the partner of Samuel T. Glover. Mr. Shepley was a gentleman of high culture and of great legal attainments, uniformly kind and polite, and a man of great industry. He was cool in his judgment, scarcely ever losing self-control; was terse in statement, logical in argument and impressed the court and jury with the earnestness of his convictions of right. He died October 11, 1884, having practiced at the St. Louis bar for forty-four years. That bar expressed their opinion of Mr. Shepley in the following words: "He was a lawyer of profound and varied acquirements, imbued with the learning

and spirit of the common law, versed alike in the intricate questions of titles to real estate, peculiar to this and kindred communities, in the rules which govern commercial transactions and in the maxims and principles of equity. His judgment of men and affairs, naturally acute and sound, was ripened by a wide experience. Thoroughly trained in youth in the exercise of a strong and clear intellect, he brought at that early day the culture of an older civilization to bear upon the problems of life in the young and vigorous West, and his own growth and prosperity kept pace with those of his adopted home. His reputation went far beyond that home, and reflected new lustre in the highest courts of the State and Nation upon a name which a venerated father and a distinguished brother had borne with honor upon the bench."

Britton A. Hill was born in New Jersey in 1816; admitted to the bar in New York in 1839, where he practiced two years, and removed to St. Louis in 1841. He was a man of great ability and of force, of fine appearance and fluent diction and was very successful in the practice. He took an active interest in public questions. He was also a great reader and possessed fine literary attainments. Among his other works are "Liberty and Law" and "Absolute Money," which added to his reputation as a lawyer that of a political economist. He died in St. Louis in 1888.

Richard S. Blannerhassett was born in Ireland in May, 1811. In 1831 the family emigrated to America and settled in western New York. Richard was admitted to the bar in 1835 and practiced in New York until 1841, when he came to St. Louis, where he remained till his death. From 1848 to 1850 he was City Counselor of St. Louis. He was a man of close logical reasoning powers and eloquence, and particularly noted for his perfect self possession and command of his temper under all circumstances. He stood in the first rank of criminal lawyers of St. Louis. He was very generous and always ready to sacrifice himself to aid those in distress. He died December 5, 1857, in his forty-seventh year.

Charles C. Whittelsey was born in Connecticut in 1819; graduated at Yale and studied law in his native State. He came to St. Louis in 1841. In 1857 he published Whittelsey's Form Book, which was of immense value not only to the bar but to probate judges, court officials, justices and administrators. In 1870 he published a work on General Practice, which was used generally by the bar throughout the State. He was Supreme Court Reporter from 1862 to 1867, inclusive. He was a man of a high sense of honor, scrupulously honest and was a hard working painstaking lawyer. He died in 1875.

Willis L. Williams. Born in North Carolina in 1809. Graduated at Amherst College. Removed to St. Louis in 1842. Was elected to the Legislature in 1844. He was a man of great eloquence and of fine personal appearance, of unusual conversational powers and a man of great kindness and generosity. As a lawyer he ranked high and was greatly beloved by the people. He died in St. Louis March 29, 1857, in his forty-eighth year.

John M. Krum was born in New York in 1810; was educated at Union College and came to the bar in New York. He moved to Alton, Ill., in 1832, where he began practice. He was the first Mayor of the town, and was such in 1837 when Lovejoy was killed. He came to St. Louis in 1842, where he continued to reside down to the time of his death. In 1843 he was appointed Judge of the St. Louis Circuit Court. In 1848 he was elected Mayor of St. Louis. Was also a member of the School Board for ten years in succession. He took great interest in public matters and was a member of the Democratic National Conventions of 1844, 1852, 1856, 1860. After the breaking out of the Rebellion he affiliated

with the Republican party, and was regarded one of the leading Unionists of St. Louis. He was a man of great industry, a fine lawyer, genial and kind in his disposition and much beloved by his friends. He died in 1883.

Samuel Reber was born in Ohio in 1813 and removed to St. Louis in 1842. In 1856 he was made Judge of the Court of Common Pleas, and afterwards became Judge of the Circuit Court. In 1867 he resigned and engaged in the practice. At one time he was City Counselor. Judge Reber was a man of high legal attainments, reserved and dignified in manner and one in whom the people had great confidence on account of his sterling qualities. He died in Cincinnati in 1879.

Francis P. Blair, Jr., was born in Kentucky in 1821 and was admitted to the bar in his native town of Lexington. Soon afterwards removed to St. Louis and entered into a partnership with his brother-in-law, Montgomery Blair. He was a volunteer in the Mexican war and returned to St. Louis, where he was elected to the Legislature, where he served several terms and afterwards was elected as a member of the XXXVth and XXXVIIth Congress. His life was rather that of a statesman than that of a lawyer, although he was well grounded in the principles of law. He took a very active part in the stirring times of 1861 and was associated with General Nathaniel Lyon in the capture of Camp Jackson, and many other measures taken by Union men to retain the State of Missouri in the Union. General Blair was prominent in the army, attaining the position of Major General, serving under General Grant and General Sherman. In 1868 he was nominated for Vice-President on the ticket headed by Horatio Seymour. In 1871 he was elected to the State Legislature. As a member of that Legislature the writer became well acquainted with General Blair and formed a very high personal regard for him. He was positive in his convictions, genial and pleasant and kindly in his association with his fellow man. He had an analytical mind and was a positive and convincing speaker. He was elected to the United States Senate in 1871 to fill a vacancy created by the resignation of Charles D. Drake. In 1860 I remember attending a meeting at Hannibal which was addressed by Frank P. Blair and Samuel T. Glover in behalf of the election of Mr. Lincoln. The hoodlum element tried to break up the meeting and the speakers were rotten egged. I remember the coolness and nonchalance and bravery of these two gentlemen greatly impressed me at the time. At the interposition of some of the best citizens the mob was quieted and the speakers were permitted to finish their addresses. The whole career of General Blair was that of a brave, noble, conscientious man. He was a whole-souled, generous man, utterly unselfish and of strict uprightness and integrity. He died in St. Louis, July 11, 1875. His statue, as one of Missouri's great men, stands in the Capitol at Washington.

Charles B. Lord was born in Maine in 1810; received an academic education in New York; was admitted to the bar in 1835; practiced in Buffalo until he came to St. Louis in 1843. He succeeded the Hon. Edward Bates as Judge of the St. Louis Land Court. He was a successful lawyer and thoroughly acquainted with the law pertaining to real estate and industrious and painstaking in his profession. He died in St. Louis in November, 1868.

William M. Campbell was born in Lexington, Va., June 19, 1805. Graduated at Washington and Lee University and in 1829 came to Missouri, and settled in St. Charles. Was elected a member of the State Legislature and State Senate and removed to St. Louis in 1844, where he took charge of the editorial department of the New Era, a Whig paper. Was sent to the State Senate from St. Louis and also to the State Constitutional Convention

held in Jefferson City in 1845. He was a man of great personal popularity, a bold, aggressive speaker and a man of unusual evenness of temper and was very effective before a jury. He was exceedingly charitable to the poor and needy. He died December 30, 1849.

Alexander J. P. Garesche, for a long while a familiar and conspicuous member of the bar of St. Louis, was born in Cuba in 1823. He studied law in the office of Col. Gantt and was admitted in 1845. In 1846 he was appointed City Attorney of St. Louis. While a public-spirited man, he devoted little time to politics and did not seek official positions. He was a man of positive convictions and of strict integrity and uprightness and a forceful speaker. He was quite prominent in the cases growing out of the requirement of the test oath by the Constitution of 1865, and was largely instrumental in having those provisions of the Constitution overthrown in the Supreme Court of the United States. He died in St. Louis in 1896.

Chester Harding was born in Massachusetts in 1826. Studied at Harvard and came to St. Louis in the early part of 1847; returned to the law school at Harvard and graduated in 1850 and became the partner of John M. Krum in 1852. In 1861 he entered the army as Colonel and was assigned to the staff of General Lyon. He served in the war with distinction and after the war resumed his practice in St. Louis. He was a man of uprightness, integrity and great strength of character, and his discussions of legal questions were clear and logical. In the language of the resolutions of the bar at the time of his death, he was a man of "distinguished purity, candor and justice in all his private relations, and for the honest, persevering and intelligent discharge of his public duties and engagements." He died in 1875.

Samuel H. Gardner was born in western New York in 1824 and moved to St. Louis in 1847. In 1856 he was elected as a representative to the State Legislature; in 1862 was appointed by Mr. Lincoln Collector of Internal Revenue for the St. Louis District. He was a man of good judgment and practical common sense and stood well with his brethren of the profession. He died December 24, 1864.

Samuel T. Glover was born in Kentucky in 1813. His father served in the War of 1812 under General Harrison. Samuel T. Glover removed to Knox County in 1835. In 1837 he began the practice of law at Palmyra, Marion County, Missouri, and practiced in that and neighboring counties until 1849, when he removed to St. Louis and formed a partnership with John I. Campbell, and afterwards with John C. Richardson, which partnership continued until 1857, when Mr. Richardson became a Justice of the Supreme Court of this State. Shortly afterwards Mr. Glover formed a partnership with John R. Shepley, which continued up to the time of his death. Mr. Glover was thoroughly acquainted with all branches of the law: criminal law, real property, commercial law and constitutional law were all thoroughly understood by him. For many years he stood at the head of the St. Louis Bar. His industry was very great, and the careful preparation which he bestowed on his cases, together with his quick perception and resourceful intellect and great learning would have won for him a commanding position at any bar. I was associated with him in perhaps the last case that he tried in the Supreme Court of the United States. Although he had thoroughly prepared himself in the case long before he left St. Louis, he devoted almost the entire time on the train to further preparation, taking notes from the record and his brief for his argument. Arriving at Washington the day before the case was set for hearing we occupied adjoining rooms and Mr. Glover sat up till 11 o'clock in further preparation. I persuaded him to retire. Long before day the next morning he arose, and

when I awoke he was seated in a room without fire, and it was quite cold, wrapped in a large shawl which he carried, working away at his case. The result was manifest. When the case was called for he made one of the most powerful arguments I ever heard and easily won victory. Although he was frequently brusque and positive in his manner, no man was more kind of heart or more self-denying than Mr. Glover. He was deeply attached to his friends and would go any length to serve them. In argument he was clear, concise and convincing, and at times thrillingly eloquent. He was the soul of honor and integrity and scorned sham, and despised mean acts. During the war he was the most intense Unionist, was one of Mr. Lincoln's trusted advisers and took an active part in all measures for the perpetuation of the Union. After the adoption of the Constitution of this State, in 1865, which required test oaths of loyalty from ministers, teachers, lawyers and others, although he could easily have taken the oath, he gave notice to the Grand Jury of his intentional violation of the provision of the Constitution requiring these oaths, as he deemed it contrary to the Constitution of the United States. He was indicted for practicing law without taking the oath, demurred to the indictment, carried the case to the Supreme Court of the United States and won a triumphant victory. Mr. Glover devoted his time entirely to the practice of law, never having been a candidate for an office but once, when he aspired to the United States Senate, but was beaten in the Democratic Caucus for the nomination by General Blair. He was a man of unusual literary attainments and of great courtesy to his professional brethren, especially to the younger members of the bar. There are few members of this bar who were beginning to practice during Mr. Glover's time who do not remember with pleasure his kindly intercourse with them. He died January 22, 1884, in St. Louis. In the memorial adopted at a largely attended bar meeting was the following: "The bar of Missouri is unanimous in believing that in the death of Mr. Glover it has lost a man not only endowed with genius, but genius combined with that conscientious application, that unsparing industry which would have insured even to ordinary abilities a most respectable rank in any profession; whose learning was profound and accurate; whose grasp of legal principles was sure; whose moral integrity was of the loftiest and most unbending nature; whose courage, moral and physical, was dauntless; and whose kindness and courtesy seldom failed to add affection and love to the admiration which his abilities inspired."

B. Gratz Brown was born in Kentucky in 1826; received a classical education, graduating at Yale in 1847 and at the Louisville Law School in 1848, and emigrated to St. Louis in 1849, where he entered into the practice of law and became an advocate of Benton's Free Soil party. In 1852 he was elected to the Missouri Legislature and in 1854 became the editor of the Missouri Democrat. He was re-elected to the Legislature in 1856. In 1861, when the war broke out, he championed the Union cause and was among the first to organize a regiment. In 1863–4 he and the Hon. John B. Henderson were elected to the Senate. He declined re-election to the Senate. Mr. Brown was one of the leaders of the Liberal Republican party and was nominated for Governor by the bolting Republican Convention in 1870 and elected over McClurg, the Radical Republican candidate. In 1872 he was nominated by the Liberal Republican party for Vice-President on the ticket headed by Horace Greeley for President. Governor Brown possessed a logical mind and an unusual accuracy of diction. He was a clear, analytical writer, and being perfectly fearless, was a natural leader of men. His executive ability was great. He was not an eloquent speaker in the ordinary acceptation of the term, but extremely strong in debate. He was a man of

great dignity, strict integrity, practical sense and high culture. The writer became acquainted with him in 1871, when he was inaugurated Governor. He was uniformly courteous and polite, yet very positive in the expression of his opinions. The acquaintance then begun continued in St. Louis until Governor Brown's death. He was universally beloved by all who knew him and died in St. Louis December 13, 1885.

Samuel Miller Breckenridge was born in Baltimore, Md., in 1828. His father was the Rev. John Breckenridge, D. D., one of the most prominent ministers of the Presbyterian church. His grandfather, the Hon. John Breckenridge, was one of the first Representatives of Kentucky to the United States Senate and was Attorney General under President Jefferson. Samuel M. Breckenridge was educated at Central College, Kentucky, and Princeton, N. J. He studied law at Transylvania University, in Kentucky, and was admitted to the bar at the age of eighteen. He practiced at Lexington, Ky., for two years and came to St. Louis in 1850. In 1854 he was elected to the State Legislature of Missouri. In 1859 was elected Judge of the Circuit Court of St. Louis. Was a member of the State Convention of Missouri which sat in 1861 to 1863. In 1866 he was appointed Surveyor of Customs at St. Louis and served for three years. After that he devoted his time entirely to his profession, and became the counsel for a number of leading corporations. Judge Breckenridge was a man of unusually high sense of honor and of uniform courtesy and politeness, springing from his genuine kindness of heart. He was the most generous and unselfish man I ever knew. His devotion to his friends was proverbial. He was a sound lawyer, and a man of quick perceptions and great common sense. He was exceedingly eloquent, and his speech and conversation sparkled with wit and humor. His great courtesy and admirable tact drew to him his professional brethren and a host of those outside with whom he associated. Perhaps no man at the St. Louis bar had more warm, devoted friends than Samuel M. Breckenridge. He was an earnest Christian and was an elder of the Second Presbyterian Church from 1871 to the time of his death. He died on May 28, 1891, in his sixty-third year. He had been elected a Commissioner to the General Assembly of the Presbyterian Church and was a member of its Committee on Theological Seminaries. He was called upon to explain the legal phases of the question in hand, which then excited universal interest, and finished his remarks with these words: "I have endeavored to do my duty in this matter faithfully, and I hope I may be excused from further speech," and then fell dead. At the largely attended bar meeting, one who knew him well said, "He was a man of princely manners, a Christian gentleman and a lawyer of acknowledged ability and a loyal, true, and public-spirited citizen."

John C. Richardson was born in Kentucky in 1817 and educated at Transylvania University. He came to Missouri in 1840 and settled in Booneville. In 1850 he moved to St. Louis. Afterwards became a partner of Samuel T. Glover, which firm did a large business and enjoyed the highest reputation. In 1853 he was City Counselor of St. Louis. In 1857 was elected to the Supreme Court but resigned in 1859 and returned to St. Louis and again entered into partnership with Mr. Glover. He was an argumentative and impressive speaker with a clear cut, analytical mind. He was a man of a high sense of honor, gentleness and geniality and was much beloved by all who knew him. He died in September, 1860.

James R. Lackland was born in 1820 in Maryland; came with his family to Missouri in 1828. He studied law with the Hon. Charles D. Drake and was admitted to the bar in 1846. He was elected Circuit Attorney and was a very successful prosecutor. His prosecution of the Montesquieu case and of other prominent criminal cases gave him a wide

reputation as a lawyer. He was elected Judge of the Criminal Court and afterwards of the Circuit Court, which he held till 1859. He added greatly to his reputation in the defense of the celebrated case of Effie Carstang against Henry Shaw, in which, with his co-counsel, he obtained a verdict for defendant where a previous jury trial had awarded her $100,000 for breach of promise of marriage. Judge Lackland was a strong, logical speaker and thoroughly acquainted with men and was a terror to witnesses on cross-examination. He was a man of strict integrity and high sense of honor. His health was not good for some time previous to his death and he died October 9, 1875. The writer remembers him as a member of the firm of Lackland, Martin & Lackland and once heard him try a case in the Circuit Court and was impressed with his power, both in cross-examination of witnesses and the address to the jury, although he seemed weak and moved slowly as if in pain. He was regarded by his brethren of the profession as a sound lawyer and a strong advocate.

Fidelio C. Sharp was born in Kentucky in 1821; came to Missouri in 1843 and located at Lexington and in 1857 removed to St. Louis. He formed a partnership with the Hon. James O. Broadhead and the firm of Sharp & Broadhead for many years took front rank at the bar. He was a man of great legal ability and integrity and was pre-eminently a business man. In the trial of his cases he showed thorough preparation and acquaintance with the law involved and was always alert, resourceful and powerful in the presentation of his case either to court or jury. He died in 1875.

N. C. Claiborne was born in Virginia in 1822. He came West and engaged in business, but returned to Virginia in 1845 and took an active part in politics; in 1847 was elected to the Legislature of Virginia by the Democrats and re-elected for four years. In 1850 he was elected a member of the Constitutional Convention of Virginia; in 1850 was elected Prosecuting Attorney of Franklin County, Virginia. In 1847 he removed to Missouri and settled in Kansas City and in 1860 was elected to the Missouri Legislature from Jackson County. He moved to St. Louis in 1861. In 1870 he was elected to the Legislature from St. Louis. It was during the session of this Legislature that the writer became very well acquainted with Colonel Claiborne and formed a high opinion of him. He was courteous and polite and a fluent, pleasing speaker and very popular with the members. He was quite successful as a practitioner in St. Louis, devoting most of his time to the criminal practice.

William B. Napton was born in New Jersey in 1808; graduated at Princeton in 1826. He studied law and was admitted to the bar in Virginia in 1832. He removed first to Columbia, Mo., and then to Fayette, where he engaged in editorial work. In 1836 was appointed Attorney General, and in 1838 was appointed as Justice of the Supreme Court of Missouri, which he held till 1851. He was again elected to the Supreme Bench in 1857 and served till 1861. In 1863 he removed to St. Louis and engaged in the practice and was very successful as a counselor. In 1873 he was again appointed to the Supreme Bench, re-elected in 1874 and served till 1881. Judge Napton was a man of great ability and his opinions on the bench stamp him as thoroughly acquainted with legal principles. His opinions were forcible and discriminating and impartial, and he is remembered by all who knew him as one of our best Judges. He died in Saline County in 1883.

Ephraim B. Ewing was born in Kentucky May, 1819. Received a thorough classical education; removed to Missouri — and was admitted to the bar in 1842. Was elected Attorney General in 1856. Resigned in 1859 and was elected Judge of the Supreme Court. In 1864 he removed to St. Louis, where he practiced until he was elected Judge of the Circuit Court in 1869. Resigned in 1872 and was again elected to the Supreme Bench. He

was a thoroughly educated lawyer with a good legal mind and unexceptionable habits. He was not an eloquent man, but his arguments were forceful and direct. He was dignified and reserved in his association with his fellow man, but all had confidence in his integrity and honesty. He died in June, 1873.

James J. Lindley was born in Ohio in 1822; read law at Palmyra, Mo., with Anderson & Dryden and admitted to the bar in 1845. Removed to Monticello, Lewis County, Mo. In 1848 was elected Circuit Attorney. Was twice elected to Congress in 1853 and 1855. In 1857 removed to Iowa and formed a partnership with John P. Cook and Judge John F. Dillon. In 1863 he removed to Chicago, and in 1864 settled in St. Louis. Formed a partnership with Judge John D. S. Dryden and in 1871 was elected Judge of the Circuit Court, where he served for twelve years. Judge Lindley was a most companionable man, full of wit and humor, and of industry. At both the bar and on the bench he won the confidence and admiration of the profession and of the public. He was an eloquent talker and very successful in the trial of cases. He died in 1889.

John D. S. Dryden was born in Virginia in 1814. With his father he emigrated to Montgomery County, Mo., acquired an English education in Boone County and studied law with Judge Mathias McGirk and established himself in the practice at Palmyra, where he became associated with Colonel Thomas L. Anderson, and afterwards with Colonel Lipscomb. In 1862 Judge Dryden was appointed by Governor Gamble one of the Judges of the Supreme Court of this State, and in 1863 he was elected to the same position. An ordinance of the Constitutional Convention of 1865 vacated all of the offices in the judicial department of the State government, and among them Judge Dryden. He then removed to St. Louis and for several years was associated with Judge Lindley, and afterwards with his son, John W. Dryden. He was a lawyer of very high attainments. While at the Palmyra bar he was thrown in contact in the trial of cases with such men as Uriel Wright, Samuel T. Glover, James L. Green and Thomas L. Anderson, and others of great ability, and he held his own among them as a lawyer. He was not an eloquent man, but his industry and careful, candid statements of his cases rendered him very successful before both court and jury. He was a man of dignified and courtly manners and of uniform kindness to his professional brethren. His opinions as Judge of the Supreme Court were terse, conscientiously and carefully written and reflected great credit on him as a lawyer. He was an earnest Christian and an upright and honorable man. He died in 1887.

A. W. Slayback was born in 1838 in Marion County, Mo. Was educated at the Masonic College at Lexington, Mo. Was admitted to the bar in 1857. Practiced law for a while in St. Joseph. Entered the Confederate Army in 1861 and served during the war and attained the rank of Colonel. After the war he went to the City of Mexico with General Shelby and returned to the United States in 1866 and opened a law office in St. Louis, where he formed a copartnership with R. H. Spencer and afterwards with H. A. Haeussler. He devoted his entire time to his practice and was emphatically a self-made man. His great forte was in the trial of jury cases. A contemporary said of him that "The style of his eloquence is peculiar and strikingly characteristic. With earnest force and persuasion he speaks to the heart and feelings as well as to the sober reason of his hearers. Enkindling with his subject he becomes animated and rapid. His illustrations are most felicitous and his logic thus embellished rarely fails to please and convince." Knowing Colonel Slayback intimately from 1873 to the time of his death, I was often impressed at the quickness of his perceptions and the soundness of his legal knowledge. His speeches were frequently replete

with wit and ridicule, and on one occasion in which we were engaged on opposite sides of a case in the Supreme Court of the United States, Mr. Slayback convulsed the Court with his ludicrous descriptions of my client. Frequently one or two of the Justices of the Supreme Court may laugh at a witty joke or quick repartee, but it is seldom that the whole Court forgets its dignity; but Slayback on this occasion upset the gravity of the whole Court. It must have been quite effective, for we lost the case. He was a very kind-hearted, generous man as well as courageous and brave. I have seen him weep at the pathetic song of a little girl, and launch a most terrific invective against a witness or a party who he thought was defrauding or injuring his client. His success before juries was phenomenal and grew out of his emotional nature and his earnestness and thorough knowledge of men. He was killed October 13, 1882, by John A. Cockerill, editor of the Post-Dispatch, in a controversy which grew out of the publication of a libelous newspaper article. His great popularity and sensational death caused an out-pouring of the people to attend his funeral such as was seldom seen in St. Louis.

Edward A. Lewis was born in 1820 in Washington, D. C. He came to Missouri in 1845 and began the practice in Richmond, Mo. He devoted several years of his life to the newspaper business, but returned to the practice in 1853. In 1856 he removed to St. Charles. In 1874 he was appointed to fill the unexpired term of Judge Wash Adams on the Supreme Court. He was first appointed Judge of the St. Louis Court of Appeals in 1875, and was afterwards elected to the same office. Judge Lewis was a man of upright character, retiring in disposition, positive in his convictions and of a generous and sympathetic nature, and at the bar and on the bench won the universal and well merited respect of the profession. He died in St. Louis in 1889.

James Carr was born in Pennsylvania in 1825; graduated at the Louisville Law School in 1852, and removed to Monroe County, Missouri, and opened a law office. He remained there till January, 1863, when he was made general attorney for the Hannibal & St. Joseph Railroad Company and removed to Hannibal. In 1878 he resigned and moved to St. Louis. While attorney for the Hannibal & St. Joseph Railroad Company he won many suits, both in the Supreme Court of the United States and the Supreme Court of the State, and did much to mould judicial opinion in corporation cases. He was well versed in the principles of law, and industrious and accurate in all his work. His pertinacity in presenting his views and his imperturbable manner were remarkable. He was a man of strict honor and integrity, reserved and dignified in manner, with strong affection for his friends. He ranked very high in Masonic circles. On December 25, 1891, he died in St. Louis.

These are some of the men who have given character to the St. Louis Bar. There are others whose merits entitle them to mention, but the limit of our space is reached. They have helped to distinguish our bar, and to give it the reputation it bears throughout the United States, as one composed of educated lawyers, clear thinkers and progressive men. A retrospective glance at the names of those who have passed beyond, will show that at no period of its history from its earliest days to the present has the "Old Bar of St. Louis" been without members who were conspicuous for their learning, ability, courage, industry and eloquence. The hardships and necessities of frontier life, the vicissitudes and emergencies of war in a border State, often the theater of battle, and the consequent differences of opinion and thought, and the consideration of the momentous questions growing out of these events have all tended to make our people broad and comprehensive, quick in thought and perception, yet conservative in action and tolerant as to the rights and opin-

ions of others. In business, in statesmanship and in all practical questions St. Louis has never lagged behind the other cities of the Union, and to-day our city stands at the fore front of solidity and progress. To a large extent the bar moulds public opinion everywhere. In all public measures, in legislation for the good of the commonwealth, the people naturally turn to the lawyers for advice, and just in proportion as the lawyers of any community are high minded, true, unselfish, wise and progressive will that community flourish. To the Old Bar of St. Louis our city owes much for its present prosperity. As the population of our country increases and new questions of political economy press upon us, problems as intricate as those heretofore met will have to be solved. New relations will continually arise and new conditions will demand new thought and action. The welfare of 100 million or 150 million people struggling for wealth or existence presents more difficult questions, even in this country of matchless resources, than the comfort and happiness of 65 million. Facilities for "getting a living" are decreased as the number demanding that living are increased. The relations of a sparsely settled population with each other are less complex than those of a country with a dense population. New wants, new methods of life, new tastes, new environment in a republic mean new struggles, new anxieties, new demands, new plans for relief, new patriotism on the part of those whose humanitarian instincts and natural leadership of men force them to the front. In the decades that have passed the lawyers of the country have stood ever ready to share the responsibilities and burdens which the exigencies of events have cast upon our people; and the Old Bar of St. Louis contributed men who were able and willing to do their part, and who won for that bar a National reputation. May the present bar of St. Louis, and those who come after us, be as ready to aid in the solution of all public questions with the same courage and manhood and ability as those who have gone, and always make the Bar of St. Louis as famous as the Old.

December 27, 1897.

RECOLLECTIONS OF JUDGE ROSWELL M. FIELD.

BY MELVIN L. GRAY.

ROSWELL M. FIELD was born in Newfane, Vt., February 22, 1807, and was the son of Martin Field and Esther S. Kellogg Field. His father was a graduate of Williams College and a lawyer of high standing in the region where he lived. For many years he was State's Attorney of his county, often represented his town in the Legislature of his State, and was also Major General of the First Division of the Vermont militia. He was eminent in his profession and had a large and lucrative practice. He was learned also in the sciences, especially in geology, mineralogy and chemistry, and was a skillful performer on the violin. The mother of Mr. Roswell M. Field was a woman of superior education and illustrated in her life the virtues of the highest type of New England womanhood. The influence of such parents could not fail to stimulate and develop in their children the noblest qualities of culture and refinement.

At the age of eleven years R. M. Field entered the Middlebury College, Vermont, and graduated at the age of fifteen. He then studied law and was admitted to practice at the early age of eighteen years, and practiced in his native county until 1839, when he removed to and settled in St. Louis. While in Vermont, he twice represented his native town in the Legislature of the State, was for four years consecutively the State's Attorney of Windham County and was regarded as one of the most brilliant and promising young men of the Green Mountain State. Special pleas drawn by him in the case of Torrey vs. Field, reported in the Tenth Volume of Vermont Reports, were pronounced by Judge Story masterpieces of special pleading.

Soon after his settlement in St. Louis he formed a partnership in the practice of law with Myron Leslie, also from Vermont, and a man of great ability and a thoroughly trained lawyer. The firm at once took high rank with the ablest attorneys of the city, among whom were Hamilton R. Gamble, afterwards Judge of the Supreme Court and Provisional Governor of the State during the Civil War; Henry S. Geyer, who succeeded Thomas H. Benton in the United States Senate; Edward Bates, Attorney General of the United States during President Lincoln's first term; Josiah Spalding, Trusten Polk, Montgomery Blair, Thomas T. Gantt and others.

Mr. Field was of a retiring disposition, and during his partnership with Mr. Leslie seldom tried cases in court, but did the office business and prepared cases for trial. At that time there was a large amount of litigation growing out of Spanish and French grants and concessions of land, and the acts of Congress for the settlement of the same, and Mr. Field not only made himself familiar with these acts of Congress, but also studied the Spanish and French languages, so that he could not only read these grants and concessions in the original documents, but could also read in the original the Spanish and French laws applicable thereto. He also mastered the German language, and was able to read and

speak it with correctness and fluency. By his early education he was proficient in both the Greek and Latin and kept up his familiarity with those languages during life, having a special love and admiration for the works of Horace. After a few years, his partnership with Mr. Leslie terminated and then Mr. Field went into the courts and engaged in the trial of cases, both before juries and the court, and was at once regarded as the peer of the ablest members of the bar, both as an advocate and in the discussion and application of the principles of the law. He was employed in numerous and important cases involving titles to land under French and Spanish grants, and his thorough knowledge of the laws affecting those titles, was of the highest benefit to his clients and contributed largely to the proper settlement of the intricate principles involved in that knotty problem. For several years he acted as attorney of the St. Louis School Board and was instrumental in obtaining possession of many tracts of land for the public schools. He brought and tried in the United States Circuit Court the celebrated Dred Scott case, which on appeal to the Supreme Court of the United States was there argued by Montgomery Blair, then resident in Washington. On the outbreak of the Civil War he was a loyal supporter of the government and an active co-laborer with Lyon, Blair, Glover and others, in retaining Missouri in the Union. He was tendered the position of Judge of the Supreme Court of the State, which he declined, preferring the freedom and independence of private citizenship to official station.

Mr. Field married in May, 1848, Miss Frances Reed, a native of Vermont, then residing in St. Louis—a most estimable lady, who died in November, 1856, leaving two sons, Eugene and Roswell M., Jr., whom Mr. Field sent to Amherst, Mass., to be reared by a niece, Miss Mary F. French. These sons when grown became journalists, in which profession both have exhibited great ability and established reputations of a high order, and both have become authors. The elder, Eugene, unfortunately cut off in his prime, has acquired a national reputation as the "children's poet" and writer of humorous and pathetic sketches, and the two brothers, following their father in a love of the Odes of Horace, jointly translated them under the name of "Echoes from the Sabine Farm." Roswell, the younger, has published a volume of sketches entitled "In the Sunflower Land."

This brief outline of the life and character of Mr. R. M. Field, deceased, cannot be better closed than to insert portions of the resolutions of the St. Louis Bar, adopted at the time of his death: "For nearly thirty years Mr. Field has occupied a leading place in the profession of the law in this city, endowed with talents of the highest order and enriched with various and profound learning, not only in the science of jurisprudence but in mathematics, metaphysics and classical studies. His active and disciplined mind enabled him to master and elucidate the most abstract questions which arise in the application of legal principles to the complicated affairs of life. In considering such questions he evinced a proficiency and force which indicated for him a place in the front rank of his profession. * * His learning was accurate, various and profound, his judgment sure and cool, his illustration of his views felicitous and forcible, his logic keen, vigilant and honest; he disliked technicalities and fine drawn reasonings; he assumed, when advocating a legal proposition, the broadest and most solid basis which it was possible for him to occupy, and brought to the support of his views every fact and argument which could be legitimately summoned to their aid. There has been for many years no lawyer of this bar whose opinions carried greater weight, and there was none whose advocacy of a cause gave more confident assurance of a successful issue. Mr. Field's proficiency in other walks of learning

would have rendered him remarkable, if he had been unacquainted with jurisprudence. It was the accuracy, no less than the extent of his knowledge, which was distinguishing, and his scholarship was critical and exact. * * His integrity was, during the whole time of his sojourn with us, without a tarnish or suspicion. He has left behind a reputation which his children ought to regard as their most precious inheritance."

On presentation of the resolutions of the bar to the Supreme Court of the State, Judge Wagner, in behalf of that court, responded in the highest terms of commendation, and among other things said: "When he gave the great energies and powers of his mind to a cause, he exhausted all the learning to be had on the subject. He studied law as a science and delighted to examine its harmonious structure and explore its philosophic principles. So deeply was he imbued with its true spirit, and so great was his reverence for its excellencies, that he maintained them with the most jealous regard and would sooner have failed in success than have won a case by trenching upon a sound legal rule. * * He adorned every circle in which he moved, and so beautiful was his life, in all its relations, that he won and enjoyed the esteem and regard of all who knew him. * * It is fit and proper that the death of such a man should be marked by all the honors which we can pay to his memory."

St. Louis, Mo.,
January, 1898.

CONTEMPORARY BENCH AND BAR OF MISSOURI.

ELMER B. ADAMS,

SAINT LOUIS.

THE transmission of hereditary traits and characteristics is one of the laws of Nature through which, by extended punishment for violation of her laws, as well as by reward for obedience, working through many generations, the perfect man of the future is being created. He is to be the sum of transmitted and selected excellencies. The scintallant genius which oftimes astonishes the world is perhaps not transmittable from father to son. The records of the race seem to prove this. But is it not possible that such erratic genius is more or less of an accident, an exception to Nature's law, and that in her refusal to transmit such peculiarities she merely expresses a tendency to return to normal conditions? Nature in the creation of genius may make a grand coup, and finding it impossible to maintain such extaordinary effort for any length of time, in the endeavor to right herself, ofttime reacts to a place below the level. But there is a difference between genius and the highest natural ability, and whatever may be the laws governing genius, which is said to be nearly allied to insanity, it is an established fact that nobility of character and highly organized mental powers are traits governed by well defined laws of development. Virility of intellect is a trait that will persist through many succeeding generations, notwithstanding the avatic tendency of certain individuals of the group. "Blood will tell," is a homely saying, the truth of which cannot be disputed; but such blood fixes the relationship of him in whose veins it flows, to the Aristocracy of Brains and not to that of Position. When it tells that its possessor can justly lay claim to the result of right living and the cultivation of the intellectual and higher traits of mind and soul long persisted in, it tells the only story worth telling; when it tells only of exclusive position, originally unearned and long occupied, it tells nothing of consequence.

That strength of mind and endowment of character persist and are transmittable, is a fact attested by the great Adams family. Its power to transmit and increase its energies of mind and soul, has been manifested hundreds of times, and it is perhaps the most notable example of the history of the race of the sustaining power of good blood. Since the time Sir John Ap Adam was summoned to Parliament, about 1296 or 1307, and "came out of the marches of Wales," his numerous descendants have manifested their vigor of intellect, their strong and fearless character and their talent as leaders of men in almost every generation.

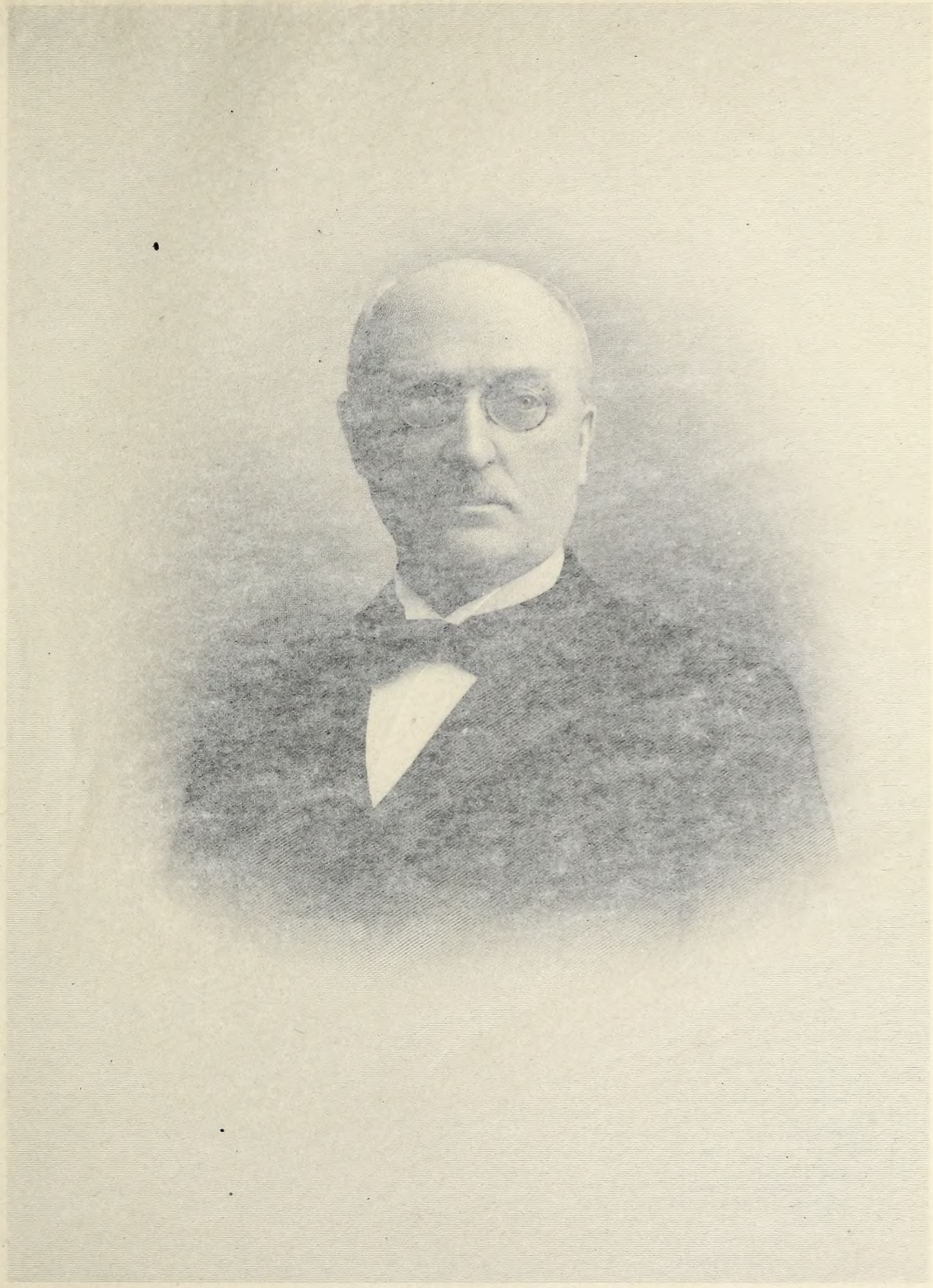
A fact not generally known is that our own Elmer B. Adams, the United States District Judge of St. Louis, is a member of this most noble house of the Aristocracy of Talent. Not many biographical sketches of Judge Adams have been published, but those which are in print do not mention the fact that he comes from that New England family which has given the republic two Presidents, many statesmen, eminent judges, lawyers and men notable in all the walks of life. Judge Adams is modest, but the New England Historical and Genealogical Register, published at Boston in 1852, traces his ancestry to that Henry

Adams of Braintree, Mass., who virtually planted the family name in America, and who according to the inscription placed on his tombstone by his great-great-grandson, John Adams, second President of the United States, "took his flight from the Dragon Persecution, in Devonshire, England, and alighted with eight sons, near Mount Wollaston." He died at Braintree in 1646. One of these eight sons was the patriot Samuel Adams, one of the signers of the Declaration of Independence. From Henry of Braintree, to his son Edward of Medfield (Mass.), who had seven sons; to his second son, John, to his son Obediah, to his son Nathan, to his son Issacher, to his son Jarvis, to his son Elmer B., are the successive steps by which the descent is traced from Henry of Braintree, to the subject of this biography.

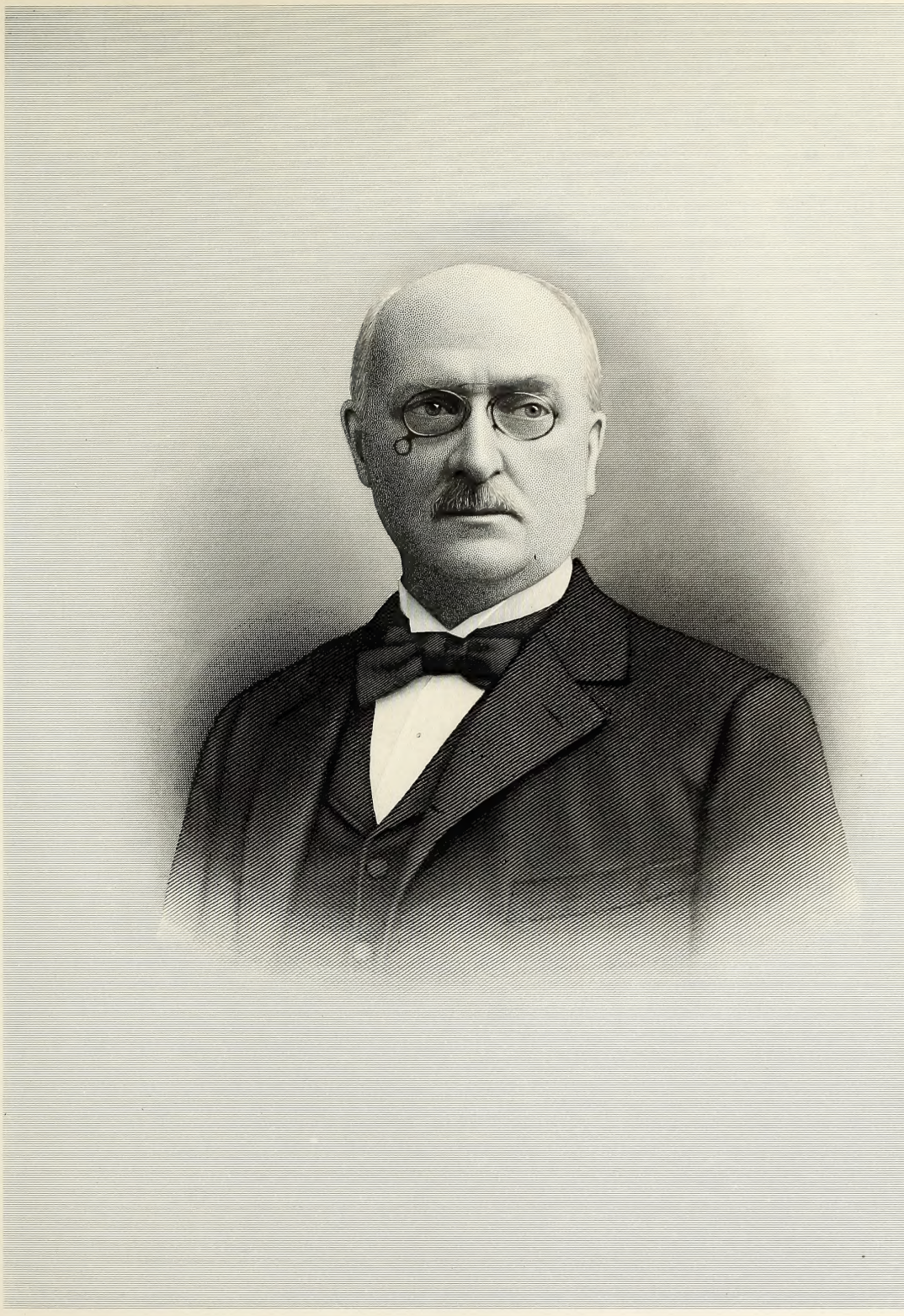
Jarvis Adams married Eunice Mitchell, likewise a member of an old and notable New England family, and at Pomfret, Windsor County, Vermont, their son Elmer B. was born, October 27, 1842. The latter was given a thorough education, preparing for college at Kimball Union Academy at Meriden, New Hampshire. He was ready to enter Yale in 1861, and spent four years at that great institution, graduating in the class of 1865. Through interest in the condition of the South as it lay prostrate after four years of bloody war, he became connected with a number of wealthy and philanthropic citizens of New York and Philadelphia who were devoted to the high purpose of educating the children of that class called the "poor whites" of the South. The young collegian had the enthusiasm of youth and gave promise that he would be another of the long line who would reflect credit on the name of Adams, and after he left college he was selected by this generous group of citizens to act as their correspondent and active executive officer in this field. In this capacity he traveled over various parts of the South, and established a system of free schools (for white children) in Atlanta and Milledgeville, Georgia, erected school houses, employed teachers and disbursed the funds entrusted to his charge. It was through such initial efforts as these that the principle of free schools was popularized in the South and given a beginning.

Before leaving home the matter of a profession had been discussed, and the law, for whose requirements the Adams family have shown such fitness and which they have so eminently graced, was given the preference. Leastways, at the end of a year he returned to his Northern home, and entered the office of Governor P. T. Washburn and C. P. Marsh at Woodstock, Vermont. In 1867 he entered the Law Department of Harvard University, and after taking a course of lectures there was admitted to the bar in Vermont in 1868.

The year 1868 was about the period when the unsettling influences of the great war began to be first manifest in the enormous tide of emigration that flowed westward and spread over that wide and undeveloped stretch of country west of the Mississippi. Although the name Adams in New England was considered an evidence of ability in the law, and made success easy, the young man, with characteristic Americanism, desired not to profit by such adventitious circumstances. Certain besides that his strength and ability would win him a higher reward in that illimitable field where everything was possible—the great West—he began to make preparations to discover what it held for the young lawyer vigorous, enthusiastic and well versed in a knowledge of the law's theories. In the same year he was licensed as an attorney, Mr. Adams reached St. Louis. He at once opened an office and became a candidate for public favor. The city was just starting upon that period of phenomenal growth which followed the war, and as trade was brisk, and all the manifold influences of change and transfer were working to create a great city, litigation of all kinds



Elmer B. Adams



James B. Adams

Legal Publishing Co. St Louis

was active. The young lawyer received his share of business from the beginning, which began to grow to a disproportionate share as the impression gathered strength that the young Vermonter was the possessor of legal attainments which entitled him to rank at a bar which was then, as it has always been, noted for its practitioners of learning and ability. Possessing also a genial and social temperament and many graces of mind and person, he rapidly made friends in his new home, many of whom have now become warm admirers as well as friends.

He occupied an office alone until he formed a partnership with Hon. Bradley D. Lee in 1872, an association that continued until 1879. On January of the year last named, Mr. Adams took his seat on the bench of the Circuit Court of St. Louis, to which he had been elected the previous fall. He defeated Judge David Wagner, Ex-Chief Justice of the Supreme Court of Missouri, for the position, and this was the first official manifestation of the high place he had won in the confidence and esteem of his fellow citizens. At the end of his six years' term he was urged to become a candidate for re-election, but declined, and entered into a partnership, in 1885, with Judge Wilbur F. Boyle and J. E. McKeighan, for private practice, the firm being one of the strongest in the State. In 1892 this firm was dissolved and Judge Adams entered a partnership with Judge Boyle, under the firm name of Boyle & Adams, which continued until he was appointed United States District Judge, by President Cleveland, in May, 1895.

Judge Adams cherishes the memory of his patriotic forefathers, and by reason of his descent is a member of the Sons of the Revolution. Neither is he forgetful of his place of nativity, and his membership in the New England Society strengthens the ties that bind him to the State wherein he was born. He is an ex-President of that body and is likewise President of the Yale Alumni Association of St. Louis.

The professional career of Judge Adams has been a pronounced success. When elected to the Bench of the St. Louis Circuit Court in 1878 he had resided in the State only ten years, and was comparatively, a young man. Yet at the time he had already achieved an enviable reputation for ability with both the bench and bar, and had secured a large and lucrative practice. His labors on the bench during the succeeding six years were arduous. At no time in its history, has that court been required to hear and determine so many difficult and complex controversies as during the period Judge Adams was one of its Judges. The close and intelligent investigation he gave to all matters assigned to the division of that court over which he presided, and the exceptional ability and fairness with which he disposed of them, won for him the highest esteem, not only of the members of the bar and of his associates on the bench, but also of the community at large.

No position can furnish to the lawyer better opportunity for extending and broadening his knowledge of the law, and especially, for learning to apply its rules to the varied and ever-varying conditions of social and business life, than the bench of a court of general jurisdiction located in one of the great business centers of the country. In the case of Judge Adams, all who observed the careful consideration he gave to whatever came before him while on the bench, were satisfied he reaped all the advantage of this character which could be derived from a judicial experience of six years in the Circuit Court of St. Louis.

Resuming active practice in 1885 he at once took a prominent place in the front rank of his profession—a position he continued to maintain without challenge for a period of ten years and until he again retired from practice to assume the duties of the office he now occupies as United States District Judge. In the legal profession, a position of this kind cannot

be maintained for any considerable length of time by mere chance. It must be merited to be retained. The work of the lawyer is rarely protected from the scrutiny and criticism of other members of his profession. As a rule, whatever he does or advises, whether in the seclusion of his office or openly before the court, becomes the subject, sooner or later, of careful inspection, and wherever possible, of adverse attack. Hence that work and that advice which can confidently invite scrutiny or challenge and successfully resist adverse attack, must be esteemed the best work a lawyer can do, and the best advice he can give; and the lawyer by whom such work is done and such advice given, must be entitled to rank as one of the best in his profession. But to achieve results of this kind requires not only studious and exhaustive consideration of what is desired by the client, but also a thorough appreciation of the effect, immediate or remote, the thing desired may have, if secured, upon the interest of others, and indeed upon other interests of the client himself. It may readily be seen that to meet these requirements the lawyer must possess more than mere knowledge of law, however profound that knowledge may be. Undoubtedly such knowledge is essential. But it is equally important he should have a general knowledge of human nature and of business affairs, and more, that he should thoroughly understand the character of the particular individual and of the particular interests involved or to be effected by the transaction immediately contemplated.

In Judge Adams all these essentials seem to have combined in a marked degree. His knowledge of business affairs and of the methods or rules which govern in their conduct — whether such knowledge has been derived from intuition or from careful observation and study — is regarded by all who know him as unusually comprehensive and accurate.

Naturally social in disposition and enjoying contact with his fellow men, he has learned well how to measure them and to understand the motives which influence their conduct. These advantages, added to a clear and profound knowledge of the law, and a mental energy which forbids relaxation until satisfied that no part of the field of investigation has been neglected or overlooked, gives to his work, when finished, such evidence of thoroughness and strength as almost to insure it against even the danger of assault. Whether in advising a client, in drafting a contract or legal document of any kind, in preparation of the case for trial, in conducting its trial, or in the presentation of it by argument or brief — whatever the matter in hand — he devotes to it, all the energy and fidelity at his command, thorough concentration of thought, tireless study of detail, and a masterly discernment and analysis of every question either of fact or law, which could in any measure influence or control it. To do well whatever was worth the doing at all, seems to have been the rule of his professional life, and to have been uniformly and faithfully adhered to, no matter how diligent or exhaustive the study or labor it demanded.

It is too soon as yet to attempt a review of his service on the Federal Bench. From the manner, however, in which he has so far discharged the duties of that office it is evident he is still guided and controlled by this same rule which so largely contributed to his eminent distinction and success as a member of the bar.

When Judge Adams concluded to marry, he returned to his New England home and selected the sweetheart of his youth. She was Miss Emma Richmond, of Woodstock, Vt., a refined and accomplished lady, to whom he was married September 10, 1870.

WILLIAM A. ALDERSON,

SAINT LOUIS.

AMONG the representative younger members of the St. Louis bar, one whose evident talent marks him for future high preferment, is the gentleman whose name heads this article. He was born in the old town of St. Charles, this State, October 1, 1856. His parents were pioneers even in that long settled section. His father, Benjamin A. Alderson, was born in Harford County, Maryland, and was by profession a civil engineer. With Colonel Latrobe, he engaged in building the Baltimore & Ohio Railroad, and was chief engineer in the construction of the Southern levees and nearly all the old railroad lines through the South, especially in Tennessee, Mississippi and Louisiana. This line of business proved profitable, and after a time he retired from his professional duties, and settling down at St. Charles, devoted the latter years of his life to caring for his property interests there. He was a man of magnificent physique and great mental powers, in his day, and lived to the advanced age of eighty-five, dying at St. Charles, May, 1895.

William A. Alderson's cognate ancestry gave promise of the calling he adopted and to which his talents so well fit him. His mother was, prior to marriage, Mary Lisle Baker, who was born in Culpepper County, Virginia, but was reared at Winchester. Her mother was the sister of those eminent citizens of St. Louis, Hamilton R. and Archibald Gamble, than whom no greater lawyer ever graced the bar of Missouri than the first named. It will be remembered that he stood without a peer at the head of the Missouri bar, and that during life he was the recipient of signal honors at the hands of the people, having served not only as Governor, but was likewise one of the Judges of the Missouri Supreme Court. As his mother was the niece of these two eminent men, Mr. Alderson is their grand-nephew.

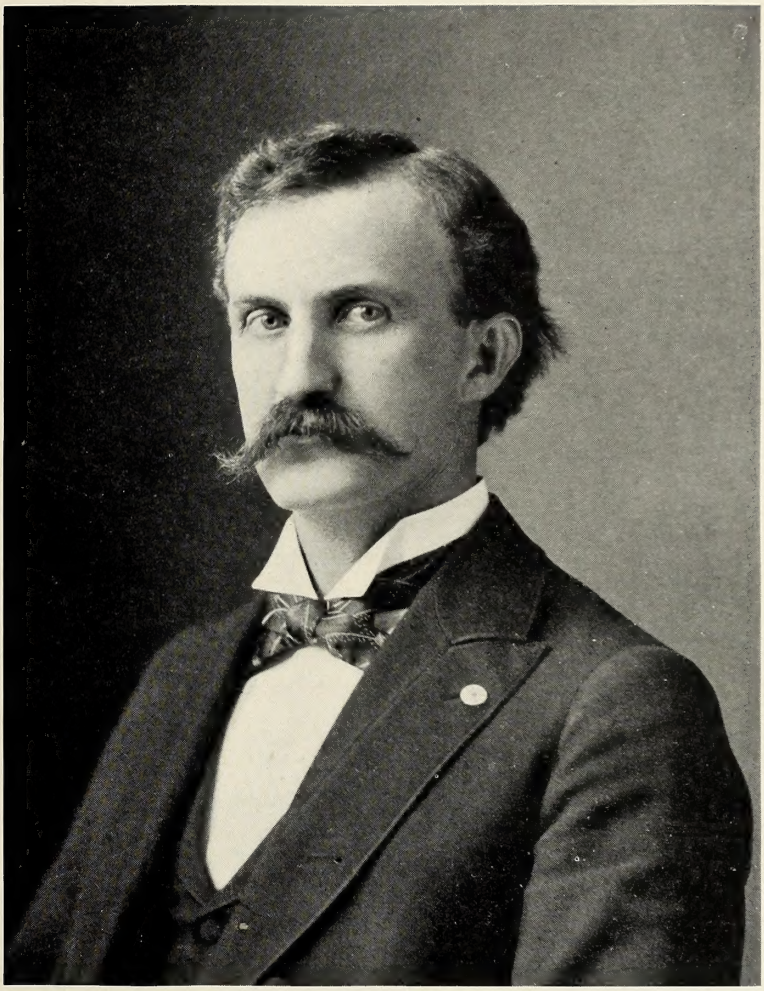
In the public and private schools of St. Charles, which are justly noted, our subject received his early educational training. His father being familiar with and a believer in the excellence of the schools of his native State, sent him to West Nottingham Academy, Cecil County, Maryland, where he prosecuted the work of preparation for college. When sufficiently advanced he entered Lafayette College at Easton, Pa., where he was a member of the class of 1878. Having set his heart on the law as his profession, he began its study at once, but being a young man of mettle and ambition, determined to be self-sustaining thenceforward. Hence, after he left college he taught school and did newspaper work for a period of three years. Then he entered the office of the Hon. Theodoric F. McDearmon, a leading and able lawyer of the St. Charles bar, and pursued his legal studies to a conclusion. Admitted to practice at St. Charles, October 1, 1878, on the fourth day of the same month, he reached Kansas City, which he had selected as a location. For a short time he was in the office of Holmes & Dean, then one of the most successful legal firms of that remarkable city. Judge W. H. Holmes, the senior member of the firm, is now dead, while Mr. O. H. Dean is now of the well-known firm of Warner, Dean, Gibson & McLeod. Two months after reaching the city he formed a partnership with Edward L. Scarritt, now a Judge of the Circuit Court of Jackson County, an arrangement that proved both pleasant and profitable.

In 1885 Mr. Alderson was made First Assistant City Counsellor of Kansas City, an office that under the circumstances proved a most onerous and responsible one. He held that office from 1885 to 1889, the period that included the highest point reached in that

city's great "boom," when its litigation and legal affairs were complicated and extensive, because of the extensive street improvements and the building of cable railway lines. During these four years he tried all of Kansas City's litigation in the trial and appellate courts, and the reports of the State and Federal Courts will show the result of his labors. Many propositions of municipal law were first asserted and established in this State in the cases he conducted for Kansas City. Among other noted ones in which he was the representative of that city, was the famous case of the Worswick Manufacturing Company and Isaac Kidd of Cleveland, Ohio, against Kansas City and George C. Hale, Chief of Fire Department, instituted to stop the use of the swinging harness used in the fire department of that city. The same plaintiffs had already secured judgments against Buffalo, N. Y., Pittsburg and Allegheny, Pa., but Kansas City, through the advice of its young Counsellor, refused to surrender to the monopoly. The litigation was carried on heatedly for three years, and evidence was taken in different parts of the United States. It was contended by the plaintiffs that under a patent which they held, no one could use any kind of swinging harness in fire departments without paying royalty to them. Mr. Alderson asserted and insisted that the patent was void because of want of novelty, and succeeded in securing evidence to sustain the proposition for which he contended, and after elaborate presentation of the case before Judge John F. Phillips, District Judge, and Mr. Justice Brewer, who was then United States Circuit Court Judge, every proposition set forth by the city was sustained and the patent of the plaintiff was declared void. The plaintiffs had boasted that their revenue under the patent had been $50,000 a year. The resistance of Kansas City had stopped the payment of royalty to the plaintiffs by other cities, and the day following the decision the Worswick Manufacturing Company closed its doors and made an assignment. The case was appealed to the Supreme Court of the United States and was there affirmed. This was a *causas celebre* and attracted the attention of the cities throughout the country, as almost every fire department used the appliance; and many municipalities, including St. Louis, contributed largely to the expense of the litigation, their interest being in having the case decided against the validity of the patent.

The work done in this important case and the ability shown in conducting it, won the highest praise from his brother practitioners. An examination of the records of the Appellate and Supreme Courts shows that he was connected with much other important litigation besides this, both while First Assistant City Counsellor and afterward.

In newspaper work done before he began practice, Mr. Alderson displayed a capacity as a writer which caused his friends to urge that he adopt journalism instead of the law. The talent of the writer is peculiar, in that it nearly always strives to express itself, resisting all efforts at repression, and the existence of such prompting is generally evidence that the impulse is based on genuine natural qualifications. It was this literary tendency that finally took Mr. Alderson away from Kansas City. For some time he had made a close study of the subject of "Judicial Writs and Process," and in 1894 he combined his literary ability and legal knowledge and wrote a treatise upon that subject. For such purpose he went to New York City in 1894, and was engaged for fourteen months on the work, which was published by the well-known law book publishers, Baker, Voorhis & Co., of that city. Justice Brewer of the United States Supreme Court said of it that he did not know of any text book that covered the same ground and commended it to all practicing lawyers. Judge T. A. Sherwood of the Missouri Supreme Court said of it: "Its lucid statement of principles on a subject than which there is perhaps none more intricate in the law, will very



W. A. Alderson

much lighten the work of bench and bar." It met the most favorable criticism from the law press, and Francis Fisher Kane, in a lengthy review of the book in the "American Law Register," says: "This most interesting volume is the first complete survey that has been made of the law of process. The author has traversed the entire territory and has given us a philosophical treatise covering all that is included within his subject."

Returning to St. Louis in May, 1895, Mr. Alderson formed a partnership with Walter F. McEntire, which was maintained until 1897. The firm gained rapidly in the confidence and appreciation of the people and in prestige. A most important affair that engaged the attention of the firm, was the litigation growing out of an inefficient School Board and inadequate school laws in St. Louis. The activity of Alderson & McEntire virtually resulted in the abolition of the old Board, and the enactment of a law by the Legislature containing wise and modern provisions. Since the dissolution of the firm of Alderson & McEntire, Mr. Alderson has practiced alone.

After returning to St. Louis, Baker, Voorhis & Company, on the reputation made by his book upon "Judicial Writs and Process," offered Mr. Alderson a large sum for the preparation of a new edition of Beach's work upon Receivers, which task was undertaken and completed in February, 1897, when "Alderson's Beach on Receivers" was issued from the press. The comments of lawyers, judges and legal periodicals upon this book are most complimentary and strong. As edited, revised and extended by Mr. Alderson, the book is pronounced the best work upon that important subject.

Mr. Alderson is a member of the Masonic, Pythian, Royal Arcanum and Order of the Golden Chain fraternities. He is popular with all classes of society, and has that geniality and kindness of manner that is decidedly rare in the great rush of latter day activities. His liberality of mind is only exceeded by his generosity of heart. To his unselfish kindness many a man is indebted. He is a man free from the selfish trait so often found in those who have been more successful than their fellows; and this characteristic has endeared him to those with whom he comes in daily contact.

Mr. Alderson was married October, 1880, to Mabel Haines, of Muncie, Indiana, who had a short time prior to the marriage moved to Baxter Springs, Kansas, where the marriage took place. Her father, S. A. Haines, was a prominent citizen of Muncie, Indiana, and lived the last of his years at Baxter Springs, Kansas, where he died in 1894. The couple have four children, three boys and one girl.

WILLIAM STEPHEN ANTHONY,

SAINT LOUIS.

WILLIAM STEPHEN ANTHONY, the talented young Assistant United States District Attorney for the Eastern District of Missouri, was born at Potosi, Washington County, Missouri, March 10, 1864. The Anthonys comprise one of the oldest families in Southeast Missouri. Mr. Anthony's paternal grandfather, who was of German extraction, made his way laboriously through hundreds of miles of wilderness, migrating from North Carolina and settling in Southeast Missouri, this perilous trip being made very near the first year of this century. Even North Carolina, his native State in that day, was not progressed beyond a primitive or frontier condition and to leave it and encounter the hardships and dangers of the terra incognita beyond the Mississippi required a degree of courage that is rare

enough among those accustomed to the conveniences and ease of the civilization of our day. Southeast Missouri was then an almost unbroken wilderness, and when the grandfather first settled in Washington County, about its only inhabitants were wild beasts and Indians equally as wild. He built the first sawmill west of the Mississippi. His wife, the grandmother of our subject, still survives her pioneer husband, having reached the advanced age of eighty-four.

Mr. Anthony's father, John M. Anthony, was a well-to-do farmer and stock raiser of Washington County. He was an influential citizen of that section and was honored by his fellow citizens by responsible official positions, serving both as Sheriff and as Collector of Washington County. His wife, the mother of William S., was, in her maidenhood, Martha W. Johnson, a member of a family that emigrated to Washington County from Kentucky. She is yet living, but the husband and father died in 1886.

After the usual preparatory courses, William S. Anthony finished his education at Washington University, St. Louis, graduating from that institution in 1885. Long before that date, however, he had set his heart on adopting the law as a profession, and he completed the literary courses of the University only to take up the legal course as a student in that department known as the St. Louis Law School. He graduated in 1887 and returning to his home at Potosi, within a few months was actively embarked in the strife of local political warfare. He went out as a leader, as his party's candidate for Prosecuting Attorney, and was elected. This was in 1888, and on the completion of his term he was again elected to the same office. So fearlessly did he administer the responsible office and such was his diligence and impartiality that at the end of his second term he, without doubt, could have been elected to any office within the gift of the people of Washington County, had he consented to serve instead of retiring, as he did, from the field in 1890. As a public official he was governed by the conviction that laws were enacted to be active and effective and that it was and is the duty of every officer to enforce them, and in this connection it is notable that he was the only Prosecuting Attorney in Southeast Missouri who attempted and did enforce the local option law.

But the young lawyer was not to retire permanently from the public service as he calculated. After a short time spent in private practice, on April 1, 1894, he was appointed by Attorney General Olney First Assistant United States Attorney for the Eastern District of Missouri. This has necessitated the establishment of headquarters in St. Louis, where he has been located since his appointment.

Mr. Anthony's selection for his present place is an honor which men of maturer years and greater professional experience might well envy and strive for. It demonstrates that though young in years he is endowed with an ability and a reliability that is a promise of still higher successes. By these qualities he has risen to the requirements of his office and to the fullest expectation of his superior officers. He is ambitious, is a diligent student of the law's science, and his seniors, who are acquainted with his capabilities, believe that he will yet make a reputation worthy the aspirations of any man.

On June 19, 1895, Mr. Anthony was united in marriage with Miss Fannie Casey, of Washington County. They have one child, a daughter, who has been named Lucille. Mrs. Anthony belongs to a prominent and well known family of Southeast Missouri and is the daughter of Dr. Frank Casey of Washington County.

PAUL BAKEWELL,

SAINT LOUIS.

THE name Bakewell is English, and the name and family are closely connected with Derbyshire, England, a town in that county bearing the family name. Robert Bakewell, a great-uncle of our subject, was a man of such character and accomplishments as to entitle him to a place in the Encyclopedia Britannica, where considerable of the family history will be found. Hon. Robert Armytage Bakewell, the father of the subject of the present biography, was gifted with the indomitable purpose, the rugged but sterling character which is peculiarly Scotch, and the hard, good sense to balance other commendable qualifications, which is likewise a characteristic of that people. Judge Bakewell was born, 1826, in Edinburg, Scotland, his father being an Episcopal clergyman, for many years located at Norwich, England. The son adopted the law as a profession, and while still a young man came to America. In St. Louis he met and married Marie Anne Coudroy de Laureal, the mother of the subject of this sketch. This marriage was consummated May 3, 1853. The bride was of French blood and was born at Guadaloupe, West Indies, August 26, 1832. She was the daughter of a family of wealthy planters of that island, was reared in luxury and educated at the family seat at Versailles, near Paris, France. In 1848 France summarily abolished slavery in her colonies and this wrought the ruin of the West Indian planters. Consequent upon such great changes in their fortunes, the Coudroy de Laureal family came to St. Louis, and in that city Mr. and Mrs. Edward Coudroy de Laureal still reside, aged respectively eighty-eight and eighty-nine.

Hon. Robert A. and Marie Anne Bakewell had eight children, all of whom are yet living. When the St. Louis Court of Appeals was organized, Hon. Robert A. Bakewell was appointed one of the Judges and administered justice from the bench of that court with wisdom and impartiality for a period of nine years, or until January, 1885.

Paul Bakewell was born at St. Louis, August 21, 1858. He was educated at St. Louis University and then began, in 1876, the study of law in the office of his uncle, William Bakewell, of Pittsburg, Pennsylvania. William Bakewell was one of the first in the United States to give exclusive attention to patent law, and was then and is now one of the foremost lawyers in that specialty in the country. In the fall of 1877 the nephew returned to St. Louis and entered the St. Louis Law School, graduating in May, 1879, and in the fall of that year he was admitted to practice in the State and Federal Courts. At first he entered the general field of practice, and therein found his full share of experience in its various branches, such as real estate, commercial, admiralty and probate law, and even some experience in the criminal department. The latter came under the head of "crimes against the United States," and the most important case was that of the United States vs. Wynn, reported in 9 Federal Reporter, 886, and 11 Federal Reporter, 57. Wynn was charged by information with robbing the mails. Mr. Bakewell appeared as the defender of Wynn, and in the trial for the first time raised the question that the crime was "infamous" within the meaning of the United States Constitution (Article 5 of Amendments), and that consequently the defendant should have been indicted. Both the United States District Court and the United States Circuit Court ruled against this contention, but later, the Supreme Court of the United States declared Mr. Bakewell's position right and in express terms decided that the lower courts erred on this point in the case of United States vs. Wynn; see ex parte Wilson, 114 United States, page 426.

About 1881, as his practice began to drift into patent, trade mark and copyright law, he concluded to become a specialist and therefore began to practice exclusively those branches, a department for which he was thoroughly fitted by the course of preparatory study prosecuted in the office of his uncle at Pittsburg. That it pays to become a specialist is shown by the way in which Mr. Bakewell has risen. He has been fully impressed with the necessity of study and has devoted himself diligently to the mastery of those three branches of law, with the result that he is considered an authority in that department. As he goes into a case equipped with a full knowledge of the law bearing thereon, he almost always carries it to a successful termination.

In 1886 he was admitted to practice before the Supreme Court of the United States. Most of his practice is before the Federal Courts. Since 1882 he has had all the cases he could handle in his specialty. He has cases in all parts of the country, and has appeared in some of the most important causes in his specialty that have appeared before the courts. His success is demonstrated in the records and decisions of the various courts. He has been for two years, and yet is, a member of the Committee on Patent Laws of the American Bar Association, which must be considered an evidence of his standing with the legal profession.

Mr. Bakewell was married at St. Louis, April 30, 1884, to Eugenia Stella McNair, daughter of Antonie de Reilhe McNair, and grand-daughter of Alexander McNair, the first Governor of Missouri, incumbent from 1820 to 1824. The couple have seven children, all living, and named respectively: Marie McNair Bakewell, Eugenia Stella McNair Bakewell, Paul McNair Bakewell, Edward Lilburn McNair Bakewell, Claude John McNair Bakewell, Nancy Catherine McNair Bakewell, Cornelia Josephine McNair Bakewell.

Mr. Bakewell stands high as a citizen as well as a lawyer. He is in thorough accord with any movement of genuine reform or having for its end the betterment of mankind. He is a highly educated, highly civilized gentleman, with noble aspirations, wide sympathies, charitable nature, is interested in good government and is a Democrat in politics, supporting the Cleveland administration. Some conception of his erudition and complete knowledge of the department of the law he has so studiously investigated may be obtained by reading his very able and interesting discussion of "The Development of Patent Law," to be found elsewhere in this volume.

CLAUDE RUSSELL BALL,

MONTGOMERY CITY.

THE well known young lawyer whose name heads this biography, combines in his veins the blood of two of the oldest, most virile and influential families in Northeast Missouri —the Balls and Dyers. Both families are pioneers of that section of the State, coming of course from Virginia, as did nearly all the leading families of that section. On the paternal side, Mr. Ball's grandfather, James Ball, born in Fauquier County, Virginia, in 1787, married a Miss Smith, a native of Henry County, Virginia. He was a soldier of the War of 1812 and died in St. Louis County, Missouri, in 1852. His son, John Edmund Ball, was born in Virginia and came overland with his father's family when they emigrated from that State to Missouri. They made the trip in a "half moon" Virginia wagon and found the end of their long journey at Bridgeton, St. Louis County, where they settled December 5,



Paul Bakewell

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1835. There John Edmund Ball met and married, April 17, 1850, Elizabeth H. Dyer, daughter of David Patterson Dyer, and Nancy R. Sammons, his wife, both natives of Henry County, Virginia, the former born in 1792 and the latter in 1794. David P. Dyer was a man of high ability and great force of character. Like Mr. Ball's paternal grandfather, he was a soldier of the War of 1812, and afterward represented his county in the Virginia Legislature.

Some time after their marriage in 1850, Mr. Ball's parents removed from St. Louis County to Lincoln County and there on the farm lying on Big Creek, near Troy, he was born, January 3, 1864. The family continued to reside at this point until 1869, when they removed to Montgomery County, where the parents are yet living, contemplating in old age the success of the large family of children they reared. The son was educated in the common schools of Lincoln and Montgomery Counties, and at McCune College, Louisiana, Missouri. After he graduated at the college he secured a situation in the tobacco factory at Louisiana and then taught two terms of country school, at the same time whenever opportunity offered, prosecuting the study of law under the tutelage of his brother, Hon. David A. Ball, of Pike County, one of the ablest and best known lawyers of Northeast Missouri. He was admitted to the bar by Judge Elijah Robinson, at Louisiana, in May, 1885, which event was followed by his location at Clarksville, Pike County, to practice law. He remained there but a year, however, removing in August, 1886, to Danville, county seat of Montgomery, the county which joins Pike on the south. In 1889, Montgomery City having been made the county seat, he removed thither, and has succeeded in building up a splendid practice there. From 1888 to 1897 he was in partnership with his brother, the third member of his family who is a lawyer, under the style of Ball & Ball.

Mr. Ball has been the City Attorney of Montgomery City, but resigned before his term expired. In November, 1896, he was elected Prosecuting Attorney of Montgomery County and is still the incumbent of that office. So far his term has been distinguished by excellent management of the office and a conscientious regard for the interest of the public. He still continues private practice and has built up a clientele consisting of the better element of litigants, one of these being the Union Savings Bank of Montgomery City, for which he acts as the regular attorney.

Mr. Ball is physically robust and mentally energetic and quick. Judge E. M. Hughes, now on the bench of that circuit, who is a good and conservative judge of men, considers him possessed of a fine legal mind and one destined to greatly develop and expand professionally as time passes. He is careful, conscientious and honest, and is very popular both with the bar and people. He might be considered a good all-around lawyer and is well adapted to a condition which compels versatility in his line of work. His practice is both civil and criminal and in either department he is alert and skillful. A notable case in his legal career was that of Marshall vs. Wabash Railway. Under this style Mr. Ball and his brother brought the first suit in this State to establish the right of a mother to recover for the negligent killing of a bastard child. A record of the case will be found in Missouri Reports, 120.

He is sensible of the duty every good citizen owes his town, and in all civic enterprises takes an active part. He is a Knight of Pythias, a member of Montgomery Lodge No. 197; is a Democrat and in this respect his principles are straight and unswerving. He has taken an active part in recent campaigns and now takes rank as one of the leaders of the Democracy in Montgomery County.

On January 13, 1885, Mr. Ball was married to Miss Mary D. Pickens, daughter of William C. and Mary (Campbell) Pickens, of St. Louis. Mrs. Ball is a niece of ex-Governor Robert A. Campbell, of St. Louis. The couple have five children, named as follows: Annie E., ten; David Russell, eight; John Everett, six; Campbell Pickens, three, and Claude Dyer, one.

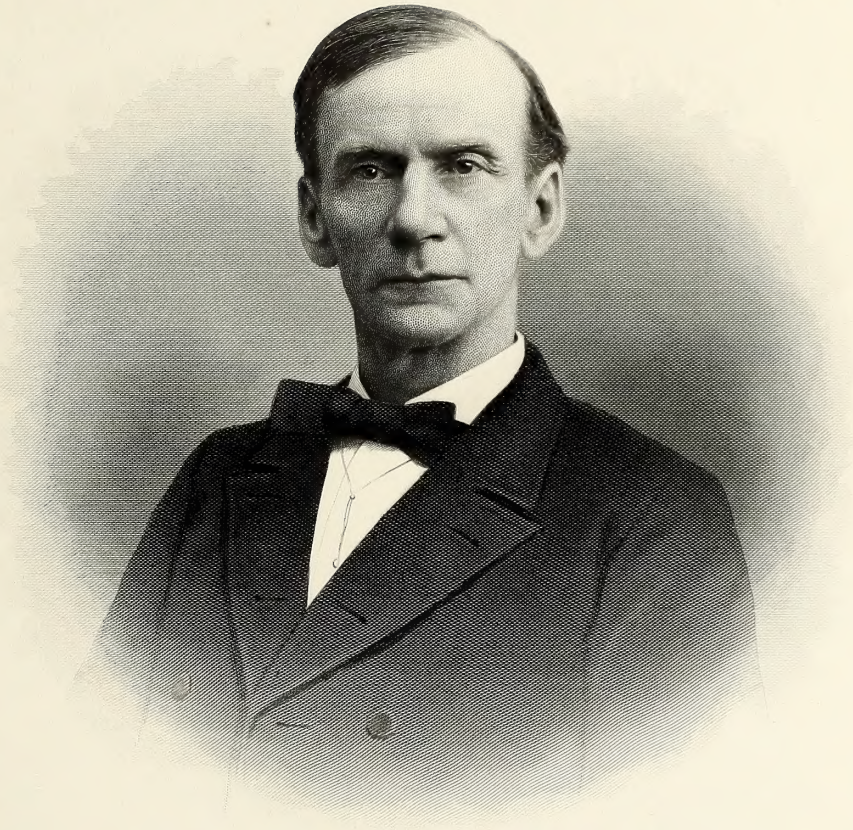
DAVID A. BALL,

LOUISIANA.

FEW lawyers who appear in this volume are better known throughout the State than Hon. David A. Ball, ex-Lieutenant Governor, ex-State Senator, political leader and lawyer. In his veins flows the blood of two of the oldest and strongest families of Northeast Missouri —the Balls and Dyers, both families being of Virginia origin, but pioneers of Missouri.

Hon. David A. Ball's paternal grandfather, James Ball, was a native of Fauquier County, Virginia, where he followed the vocation of a planter. Sometime in the 'forties he came West with his family and located on a farm near Bridgeton in St. Louis County, but was not long permitted to breathe the air of his new home, as he died in 1850. He left a widow and six children, of whom John Ball, the father of David A., was the eldest child. He was reared on the farm, has followed agriculture all his life, is yet living and is known as one of the successful farmers of Montgomery County, Missouri. As a citizen he has proved his worth to the State not only as a law-abiding supporter of its authority in peace, but as a voluntary and brave soldier in war, being a model in that solid, unpretentious, patriotic class which is the strength and glory of a republic. He is a veteran of both the Mexican and Civil Wars. In the first named contest he served under General Sterling Price. In 1861, when the Civil War broke out, although of Virginian antecedents, he espoused the cause of the Union. In 1861 he organized a militia company, with which he was connected for two years, when he joined the Forty-ninth Missouri, rose to the rank of Captain and with it engaged in many skirmishes and contests, among others the defense of Spanish Fort and Fort Blakely. After his return from the Mexican War he was married, in 1850, in Lincoln County, Missouri, to Elizabeth Dyer, daughter of David Dyer and Nancy Sammons, his wife, and sister of David P. Dyer, the eminent St. Louis lawyer. To this union was born nine children, named respectively, David, Nettie, James F., John B. M., Galen R., Claude R., Laura, William S. and Edward — seven sons and two daughters. Their mother, like the father, is yet alive and still continues to exert an influence for good. She is a woman of strong character and noble Christian virtues and has been for many years an active member of the "old school" Baptist Church. She was born in Henry County, Virginia, and came with her parents when they migrated West and settled in Lincoln County in 1844. Her father, David Dyer, was a man of influence and standing in the Old Dominion. He was a leader in the Whig party, and served a number of terms in both the upper and lower houses of the Virginia Assembly. He also saw military service, being a volunteer of the War of 1812.

David A. Ball was born in Lincoln County, Missouri, June 18, 1851. His youth was spent on his father's farm, where he worked in the summer and attended school in the winter. His common school education was obtained under some difficulty, as he never walked less than three miles to school and sometimes five miles, but he was ambitious even



L. A. Ball

Legal Publishing Co. St.Louis

as a boy, and labored at his books during the hours he was not engaged at other work. When seventeen years old he taught a public school one term, and two years later, in 1870, he went to Louisiana, which has since been his home. It was about this time that he formed the resolution to enter the law, but feeling that his general education was not as complete as was desirable, he attended two terms of school at Louisiana and in private gave his books more unremitting attention than ever. Compelled to be self-sustaining, he worked in the tobacco factory of A. Tinsley & Co, at that place, when he was not at school. It is a notable fact that as their employe he won the firm friendship of the wealthy manufacturers, and that to-day he is the company's legal representative. He studied law with Fagg & Dyer and was admitted to practice at Louisiana in May, 1873, by Judge Gilchrist Porter. He began practice and since that time his rise has been rapid.

In 1874 he was elected City Attorney of Louisiana and served one year. In 1878 he was elected Prosecuting Attorney of Pike County, and at the end of his first term he was elected to another, but refused to serve longer. It is a matter of record that during his four years of public service he never had a case called that he was not ready for trial, and that of the many indictments he formulated and presented, not one was quashed. In 1884 he was accorded one of the highest honors in the gift of his people, being elected to the State Senate, as the representative of the Eleventh District, composed of the counties of Audrain, Lincoln and Pike. The record of that four years' term served to greatly increase his prestige and gave him a State-wide reputation. During the first session he demonstrated his ability and statesmanlike qualities, which met a merited recognition when the Senate met in 1887 and his colleagues elected him President of that body. He showed himself no less skillful as the presiding officer than he had demonstrated his ability as a legislator on the floor. In 1887 Governor John A. Marmaduke died, and by virtue of his position Mr. Ball became Lieutenant Governor, and as such served until 1889. As Senator he did not merely sit in his seat and cast his ballot when the time came. He assumed an active relation to almost every measure that came before that body while on the floor, and his eloquence generally had a marked bearing on its final disposition.

Nor did his activity stop there. He was one of the originating minds of the Upper House and he was the author of a number of important measures which became laws. One of these was the bill giving the schools uniform text books, which, although it did not become a law at that session, at the next session was taken up and passed. His energy and ability largely contributed to the enactment of just and adequate railroad legislation, in the fight for which he was unrelenting. He also served as Chairman of the Committee to Visit State Institutions, and through the recommendation of his report the Insane Asylum at Nevada, Missouri, was built.

While he has never been a seeker of office, though his descent and education make him a born political leader, he is above all else a lawyer. While it would be unnatural for one of his birth, education, ability and environment not to be enthusiastically interested in all political matters, the offices he has held have always been accepted under the urgent persuasion of his fellow-citizens. As a disinterested citizen he has taken an active part in every campaign since he began practice. He has held scores of honorary positions at the hands of the Democratic party, and few conventions of that party—State, district or county—have been held in recent years to which he was not a delegate. In 1882, elected a member of the State Democratic Committee, he was by that body made one of the Executive Committee and as such his political genius contributed in no small share

toward electing a solid Democratic delegation to Congress. Although in the last seven or eight years the volume of his legal business has increased to that extent that he has been compelled to abate in some measure his political activity, he was a candidate for Governor in 1896 and failed of the nomination by a small vote after a sixty days campaign.

Mr. Ball has a reputation both as a civil and criminal lawyer, and has appeared on one side or the other of almost every important case tried in Pike County in recent years. One of the more recent cases of celebrity in which he acted as counsel, was that of Dr. Hearne for the murder of Amos Stillwell of Hannibal, Missouri, in which Mr. Ball appeared as the colleague of the regretted and gifted Nat Dryden.

Mr. Ball has been a member of two legal partnerships. The first was with Hon. Champ Clark, now Congressman from that district. From the business association thus created, sprang a warm personal friendship which continues to this day. In 1891 a partnership was formed with his old preceptor, Judge T. J. C. Fagg. Later Edwin B. Hicks was admitted and the style of the firm is now Fagg, Ball & Hicks.

Mr. Ball's wife was Miss Jessie Minor, daughter of Samuel O. and Elizabeth (Carter) Minor. While she was born in Pike County, Missouri, her parents came from Albemarle County, Virginia. The marriage took place May 13, 1875. Both Mr. and Mrs. Ball are members of the Methodist Episcopal Church, South, and are active in all religious and charitable work.

SHEPARD BARCLAY,

SAINT LOUIS.

CERTAINLY one of the most eminent interpreters of the law and a man of the highest intellectual culture and development, is Shepard Barclay, Chief Justice of the Supreme Court of Missouri. He is no less well versed in the field of general knowlege than richly equipped in an understanding of the law's science. By no means the man of white locks and advanced years that might be imagined from his reputation and achievements, but on the contrary, hale and vigorous, and in the ripeness of man's fullest development and power, it may be well concluded that he has not yet reached the zenith of his career as a jurist.

Nature was kind to Judge Barclay in the heritage she gave him, for his forbears were men and women of the highest virtue, exceptional strength of character and high mental qualities and these splendid results of culture descended to him. One of these ancestors, his maternal grandfather, was Elihu Shepard, who will long be remembered as one of the most influential citizens of St. Louis during a long life, and as one of the pioneers of that city, having settled there in 1818. He was a candidate for Mayor, a Captain in the Mexican War, one of the founders of the Missouri Historical Society and was one of the original promoters of the city's public school system. In his honor the Shepard School is named. It was under the care and influence of this excellent man that the youth of his grandson was largely passed.

The latter was born in St. Louis, November 3, 1847, and under the direction of his grandfather, he received a very superior education. This was begun in the public schools of his native city, continued, to the point of graduation, in St. Louis University, but not there completed, as after his graduation at that institution in 1867, he entered the famed

University of Virginia at Charlottesville, and there fitted for his professional career, graduating from its law department in the class of 1869. Still not being satisfied with anything short of the fullest possible scholastic training, he went abroad at once and for two terms perfected himself in various branches of knowledge at the celebrated University of Berlin, giving special attention to the study of the civil law. He also became proficient in the French and German languages.

Returning to St. Louis, he was admitted to the bar and began practice, June 1, 1872. For a year or more, while undergoing the "wait" common to the experience of all young attorneys, he did newspaper work, demonstrating the peculiar adaptability for such work, that would have perhaps led to the highest degree of success had it been his determination to follow it. In 1873 he formed a partnership with William C. Marshall, now City Counselor of St. Louis, and during the continuation of this association (until the fall of 1882) the business and reputation of the firm increased rapidly. It was during this period that bar and public were brought to a realization of the fact that the present Judge, as a lawyer, was gifted with learning and ability which entitled him to a high rank at the bar of the State. It is noted of him as a practitioner that he was especially skillful in the preparation of a case, and very successful in his practice before the higher courts. The public appreciation of his talents was crystallized in 1882 in an election to the bench of the Circuit Court of St. Louis by the largest majority that had been given a judicial candidate in decades. Such discrimination and ability did he display, and such was his grasp of the abstruse problems of the law, that his fellow-citizens in 1888 elevated him to the highest judicial position in the State — the Supreme Bench.

His course as a jurist has been characterized by the most sensitive conscientiousness and the most unfaltering fearlessness. He is indeed a "learned Judge." His knowledge of the law is profound, and this superstructure is based on a foundation of culture and education both wide and deep. His skill in taking the tangled web of an hundred diverse legal facts and of them creating the completed fabric of a strong, clear judicial decision, has been of the highest benefit to his State. Both as lawyer and jurist he deserves to and does rank with the ablest and best of those lawyers and judges worthy of a place in Missouri's judicial history.

MACENAS E. BENTON,

NEOSHO.

A GENTLEMAN whose rapid rise to prominence within the past few years is earnest of greater fame in the days to come, is Macenas E. Benton, of Neosho, at this present date (1898) the Representative of the Fifteenth District in the United States Congress. Mr. Benton has achieved success as a lawyer, but largely endowed with the characteristics of his relative, Thomas H. Benton, of whose name Missouri is so proud, he has shown the highest order of talent as a political leader and publicist, and it is not exaggeration to assume that the Missouri of the future may remember and claim two Bentons instead of one as conspicuous figures in her history.

Hon. M. E. Benton is a native of Tennessee, having been born in Obion County, January 29, 1849. While he was yet an infant he was taken to Dyersburg, in Dyer County, Tennessee, and there he was reared. His education was obtained at two academies of

West Tennessee and at St. Louis University, St. Louis. When the Civil War began he was little more than twelve years old, but he is nevertheless a veteran of that great struggle. He entered the Confederate Army while he was still but a boy and saw considerable active service.

After the war, he chose the bar as a vocation and received his instruction therefor in the law department of Cumberland University, Tennessee. He graduated in 1870, and at once came to Missouri, settling in the southwestern corner of the State, a quarter then little populated, but which has since developed so wonderfully. He selected Neosho, the judicial seat of Newton County, as the field of activity and has resided there ever since.

His first official position was the Prosecuting Attorneyship of Newton County, to which he was elected in 1878. At the end of his term, in 1882, he declined a re-election. In 1885 he was appointed by President Cleveland, United States District Attorney, being named for office in March of that year. He won distinction during his incumbency, as the original "offensive partisan," his "pernicious activity" in behalf of the Democratic party, earning the especial disfavor of the anableptic powers that exemplified the peculiarly impossible theory of civil service reform, and Mr. Benton was thereupon suspended in July, 1889. He had no apologies to make then for his course, and has made none since, and is, indeed, more "perniciously active" politically than ever before.

It is said of him, that with three exceptions, he has been a delegate to every Democratic State Convention held in Missouri since 1872. Of the State Conventions of 1890 and 1896 he was the Chairman, and at both presided with dignity and ability. He has served as a member at large on the Democratic State Committee, and was sent by his party in 1896 as a delegate to the National Convention at Chicago, which nominated Bryan for President. There he was elevated to a position of leadership in the delegation and was named as Missouri's representative on the Credentials Committee.

In 1896 Mr. Benton was nominated by his party as candidate for representative in Congress from the Fifteenth District, and was elected by a plurality of over 7,000, the greatest plurality given to any Democratic candidate for Congress in the State in 1896. It may conservatively be considered that the political career of Mr. Benton has only fairly begun. He is one of the most popular men in the State and it is whispered that he can have the Gubernatorial nomination whenever he desires.

WILLIAM H. BIGGS,

SAINT LOUIS.

JUDGE WILLIAM H. BIGGS, Associate Justice of the St. Louis Court of Appeals, is a native Missourian, having been born in Clark County, August 1, 1842, and is the son of George K. and Nannie Biggs, whose maiden name was Nannie Floyd. He was given a good education, which was completed at La Grange College, at La Grange, Lewis County, Missouri. The war intervened between his school days and the period of the more arduous duties of life, and thus it befell that he became a soldier of the Lost Cause, entering the Confederate army in 1861.

After the end of the contest (1866) he returned home and proceeded to carry out the plans, interrupted by the war, of fitting himself for the bar. He entered the office of Judge James Ellison at Canton, Lewis County, Missouri, now like his protege a Justice of the

Missouri Court of Appeals, Kansas City District, and completed his readings. He was admitted to the bar in 1869 and began practice in Bowling Green, Pike County. In 1873 he removed to Louisiana, in the same county, where during the next sixteen years he built up an excellent practice. Such reputation did he achieve that he finally came to be talked of as a candidate for the bench, though it was several years before he agreed to stand for such honors. In 1888 he was the nominee of the Judicial Convention for the St. Louis Court of Appeals, and was triumphantly elected. Since taking his seat on the bench he has made St. Louis his headquarters.

Judge Biggs' course on the bench has been characterized by discrimination, care and studious investigation of every problem he has been called on to adjudicate. With his able colleagues, Judges Bland and Bond, he has done his share toward maintaining the high standard of the second highest court in the commonwealth. Judge Biggs is still in the full vigor of middle age and his highest achievements as a jurist may be considered as lying still before him.

In 1870 the Judge was married to Eliza Shotwell, an estimable young lady of Pike County, and they have an interesting family of children.

CHARLES CLELLAND BLAND,

SAINT LOUIS.

THE name of Bland is one that has been honorably known in America more years than the Republic has existed, and the men distinguished by it have borne a conspicuous part in the public affairs of the State, and have been noted as the best types of that hardy, intelligent, world-conquering race — the Anglo-Saxon. The family is of English origin, and it is probably due to its characteristic assertiveness and hatred of every form of oppression, that the name was planted in America at an early day. These pioneer first-comers settled in Virginia and the name is interwoven in the history of the Old Dominion, both as Colony and State. Richard Bland was the intimate and friend of Thomas Jefferson, and a member of the Continental Congress, while many others of the name have held positions of honor and trust. Another peculiarity of the house is that it has been able to maintain its strength and virility through succeeding generations, with the result that its contemporary representatives are men calculated to add honor to and be rated the ablest and strongest of their line.

The father of Judge Charles C. Bland was Stoughten E. Bland, who was born near Lebanon, Kentucky (on the farm where Proctor Knott now resides), and died in 1844. He was a farmer and local preacher, and coming to Hartford, Kentucky, about 1830, there met and married Margaret Nall, a member of an influential pioneer Kentucky family. She survived her husband, dying in 1849. Their son, the subject of this biography, was born at Hartford, Ohio County, Kentucky, on February 9, 1837. He left Kentucky and settled in Arcadia, in Southeast Missouri, about 1850, obtaining his education in the common schools of that town, excepting the last courses, which were completed at Arcadia Academy.

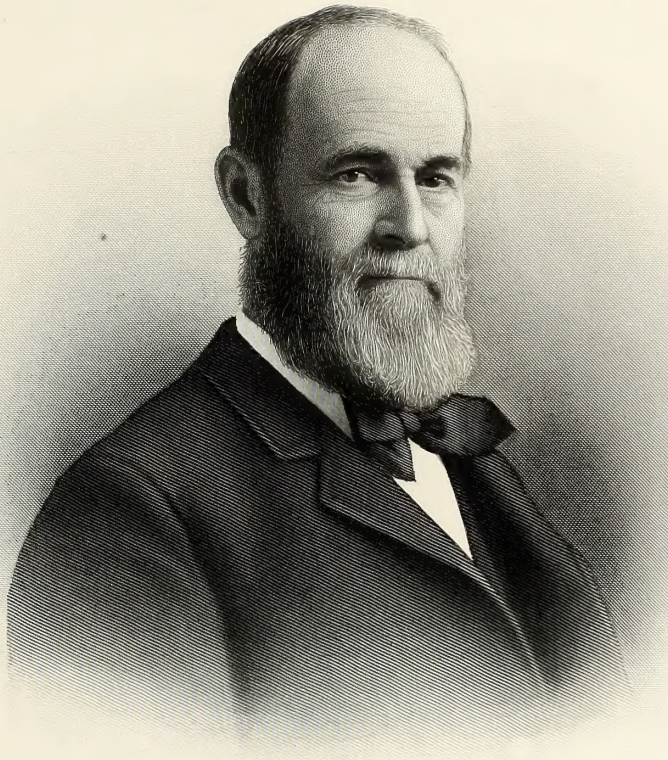
He left school in 1858, and as so many other Americans who have attained to leadership in the various departments of society have done, he began life as a school teacher. His first school was at Pilot Knob and subsequently he taught the school at Caledonia. In 1859 he went to Prentiss, Mississippi, obtained a school and remained about a year. While

yet attending school, he had selected the law as his profession, and taught school merely as a means to attain that end. During the two years he acted as instructor, he studied his law text books in spare moments, and this part of his education is exceptional in that it was obtained solely by his own efforts and without the instruction of a regular law school or the advantages to be obtained from reading in the office of a practicing attorney. At the end of the school term at Prentiss, Mississippi, he returned to Missouri and in April, 1860, at Salem, Dent County, was admitted to practice by Circuit Judge James H. McBride.

Judge Bland practiced in Salem until the beginning of the Civil War. Notwithstanding his Southern antecedents, and the fact that in his veins were combined both the blood of Virginia and Kentucky, whose children perhaps more than those of other States of the Union are drawn by a peculiar love to that commonwealth wherein they were born, the young lawyer warmly espoused the cause of the Union. His temperament was of that nature which would not permit him long to remain idle, or having reached a conviction, allow him to accord it a support less strong than the full power of his nature could give, and, therefore, early in the conflict he volunteered his services, and from that time until the close of the war was on almost continuous and active duty. He enlisted as private, in Company D, Thirty-second Missouri Volunteer Infantry, and when it was mustered in, his company elected him as its Captain. He was a participant in the battle of Chickasaw Bayou in December, 1862; was at Arkansas Post, Arkansas, in the same year; was at the siege of Vicksburg in 1863, and was under fire at Jackson, Brandon, Missionary Ridge, Jonesboro (Georgia), and dozens of engagements of lesser note. He served under Sherman, and Frank P. Blair was the commander of the brigade of which his company was a part. He was at the siege of Atlanta and bravely led his company into at least one-half the battles fought by Sherman's army in its march from Chattanooga to the Georgian capital. After the fall of Atlanta, the Thirty-second Regiment was consolidated with the Twenty-first Missouri, and Captain Bland was mustered out under the consolidating order, November 18, 1864.

The upheaval of the great war left few things unchanged, and his service as a soldier having interrupted his practice at Salem, on his discharge, Captain Bland did not attempt to revive his old practice there, but located instead at Rolla, in Phelps County. He practiced alone until 1866, when his brother, Richard Parks Bland ("Silver Dick"), came to Rolla and entered practice with him. Richard Parks, however, remained at Rolla only about eighteen months, removing thence to Lebanon, and this practically dissolved the partnership. Judge Bland remained at Rolla, continuing practice alone until 1880, when he was elected Judge of that circuit. He was re-elected in 1886 and again in 1892, but before the expiration of the last term he resigned, December, 1896, to accept the Judgeship of the St. Louis Court of Appeals, to which he was elected as a Democrat in the preceding November.

In studying the lives of those who have attained success and have been the recipients of honors at the hands of their fellow-men, we are led to inquire into the factors that have contributed to that success, as well as those personal characteristics which make the man worthy of recognition by the public. Success is nearly always attained by a process of evolution. The operation of this law is always slow, and fewer men than is supposed rise to a position of eminence by reason of accident or suddenly discovered and scintillant brilliancy. In Judge Bland is found a man time-tested and occupying the place he does solely



C. O. Bland

Legal Publishing Co St Louis

because of merit. He has been proved worthy of every honor accorded him and every dignity conferred on him has been deserved, because earned by sterling ability and worth. His is one of those rugged, genial and open characters of which a strict and exact honesty is the dominant quality. Such incorruptible honesty is the first requisite of the aspirant to the bench, and when this is coupled with a deep knowledge of the science of the law, and a well balanced mind, naturally disposed to assume in every situation the impartial or "judicial attitude," the bench is given a Judge well-nigh ideal. Those who know him will recognize at once Judge Bland's fitness for the bench, as measured by such tests. There is little of sternness in his character, and yet no one better than he can maintain the dignity of the court. He is a man of great decisiveness, and like all men of robust and well-defined characteristics, is endowed with exceptional will power. His kindliness of demeanor and the fact that it is apparent to the most casual observer that by no adversity of fate or unmerited misfortune could he be changed to a misanthropic or sour pessimist, may be held as the elements on which are founded the high esteem and friendship in which he is held by hundreds of his fellow-citizens. His great popularity is an attestation of his thorough democracy, and that he is in all respects only what he appears to be, is another reason why the people delight to honor him. In fact, his life and character show him to be the kind of man among all others best calculated to uphold the honor, purity and dignity of the judiciary.

RICHARD PARKS BLAND,

LEBANON.

HONORABLE RICHARD PARKS BLAND of Lebanon, lawyer, statesman, leading candidate for the Presidency before the Democratic Convention of 1896, the great apostle of free silver, and at present Representative in Congress from the Eighth Missouri District, is a character of international importance and fame. It is as public man and statesman that he is known rather than as lawyer, but his first struggle was at the bar and there he demonstrated the superior character of his qualities and attainments, and he even yet delights to match his skill against that of an opponent in the legal arena.

A general outline only of Mr. Bland's career may be given here, though his life is filled with elements to make of it a most interesting biography. He is a native of Kentucky, having been born near Hartford, in that State, August 19, 1835, and is the son of Stoughten E. and Margaret (Nall) Bland. He received an academic education, studied law and came to Missouri in 1855, being then twenty years of age. He began practice in the southeastern part of the State, but was soon infected with the California "gold fever," which had been epidemic since 1849, and became one of that strong, fearless and hopeful army who braved the toil and dangers of an overland trip across the plains for the sake of the wonderful treasures of the "Golden Coast." After he had reached California and prospected about for a time, he finally reached Virginia City, Utah, which was then the center of the mining excitement. He soon discovered that the practice of his profession was likely to prove more certainly profitable than prospecting for mineral and he accordingly hung out his shingle. The town was on a wonderful "boom," and in all "boom" towns money is plentiful. The circumstances which cause it to boom, cause money to pour into it and this results in a prodigious inflation of the circulating medium just at that spot,

operating much as does an intoxicant on the human brain, causing the life-giving fluid to flow to that organ and giving it great temporary stimulation. The reaction is as sure to follow the stimulation of a town by the flow of money thereto on some sudden impulse, as the fall to a normal condition is certain to follow the stimulation of the brain by intoxicants. The young Missouri lawyer reaped a fair share of this prosperity, through his talent as a politician and publicist even in this early stage of his career asserted itself, and in 1860 he was elected Treasurer of Carson County, Utah, Virginia City then being in the Territory founded by the Latter Day Saints. This office he held until the Territory of Nevada was organized from a part of Utah's Territory.

It may be said that this trip to the gold diggings and his experience in that new and cosmopolitan part of the world, were of the highest benefit to the young Kentuckian. The hardships and toils taught him endurance, patience and fortitude; his contact with men from all parts of the world, the rude conditions of those times wherein personal courage and manhood were the supreme tests of fitness, developed his character while at the same time its process of erosion wore away his rough corners and prejudices and served to polish him.

In 1865, the war having ended, Missouri gave signs of great material development, and thus it was that the young lawyer resolved to return to a point nearer civilization. He reached Missouri in the year above named and located at Rolla, where his brother, Hon. Charles C. Bland, now Judge of the St. Louis Court of Appeals, was already located and practicing law. The two brothers joined their fortunes in a business way, and continued to practice at Rolla until 1869, when Richard P. Bland moved to Lebanon, Laclede County, on the outskirts of which town he lives on a well improved farm.

In the year following his location at Lebanon (1870) he was elected to the Forty-third Congress, and has served continuously since, except in the Fifty-fifth Congress, to which he was not returned, owing to the Republican landslide of 1894, the accidental character of which was emphasized in his district, where his successful opponent was as much surprised as anyone else. However, as though to make amends for their carelessness, his constituents returned him in 1896 by a large majority.

Mr. Bland's career in Congress is a part of the Nation's political and legislative history. He has made a record because of his deep and earnest study and devotion to that element of legislation which deals with the Nation's finance. As Chairman of the Committee on Weights and Coinage it was his ideas that largely shaped the act by which the Government resumed specie payment, and the present silver dollar in circulation, is known commonly as the "Bland Dollar." Throughout his career of a quarter of a century in Congress, he has been a staunch friend of silver and his efforts in behalf of the "white metal" have won him the title of "Silver Dick," by which his party always fondly refers to him.

When the great monetary contest of 1896 was precipitated, "Silver Dick" stood head and shoulders above the great men of his party as the man likely to be selected as the champion of the adherents of free silver. Before the Chicago Convention of 1896, his was the only name generally mentioned as the Democratic nominee for the Presidency. He went into that convention as the leader by long odds, and held this conspicuous place until William J. Bryan made his magnificent speech, stampeded the convention and was made the nominee.

The bearing of Mr. Bland under the stress of those exciting days of the Chicago Convention was characteristic of the man. During the days when the republic hung on the



H. J. Blair

result of the convention's deliberation, and his name was bulletined all over the land, Bland was calm, serene and unexcited. While the question was being decided as to whether or not he should have an equal chance with his opponent to occupy the highest office in the gift of man, and while he led in the convention, and ballot after ballot showed that he had the nomination almost within his grasp, Bland calmly pursued his work of gathering in his hay crop! One passing the field where he worked would never have supposed that he either knew or cared what the Democratic National Convention at Chicago did. His complacency, serenity and control over self under the most exciting circumstances were certainly admirable.

Such deportment gives us a glimpse of his strength of character. Absolute and fearless independence is another trait, strongly pronounced. Though there are millions of men who do not accede to his political views, none of his opponents have ever questioned his deep sincerity and absolute honesty. Charles A. Dana once said of Bland that he was the only member of the House who had reached the level of statesmanship since the reconstruction period. Another says of him — "Bland is experienced in parliamentary law and has the rules of the House at his fingers' ends. He bides his time and when the opportune moment arrives, emits a roar that startles the House and sends the loungers in the lobbies scurrying for the galleries. He handles the situation without gloves. Powerful in invective, precise in statement, blunt and vigorous in language and leonine in voice and manner, the very atmosphere of the House seems rarefied after one of his efforts."

HARMON J. BLISS,

SAINT LOUIS.

A TALENTED and rising young member of the legal fraternity of Missouri is Harmon J. Bliss, of St. Louis, who, although he has been practicing a comparatively short time, has demonstrated beyond question that he chose wisely when he elected to become a lawyer; he is adapted to the requirements of the profession, and undoubtedly has the ambition and ability to realize the sanguine expectations of his friends.

Harmon J. Bliss was born in the little town of Westfield, Chautauqua County, New York, November 16, 1858. He is the son of Harmon J. and Mary E. Bliss, nee Plumb, both coming of families prominent in Chautauqua County from the time of its settlement. Being left fatherless in 1863, at the age of five years, his rearing and care fell solely upon the mother, and to her love and Christian rectitude he is indebted for the principles of justice, right and truth that have so far guided his conduct. The mother properly recognized the importance of education and resolved that her son should have the proper training in this respect. He attended the common schools and the academy of his native town, and then entered Hamilton College at Clinton, near Utica, New York, from which institution he was graduated in 1881 with high honors. When he received his diploma the whole world was before him and necessity compelled the selection of a vocation. Natural inclination and the encouragement of friends directed him to the profession of the law, and thus it was that he entered the office of Messrs. Williams & Potter, of Buffalo, New York, one of the leading law firms of that city.

Before he had completed his legal education with this firm, a good position was offered him as classical instructor in a private school for boys in New Orleans, and the

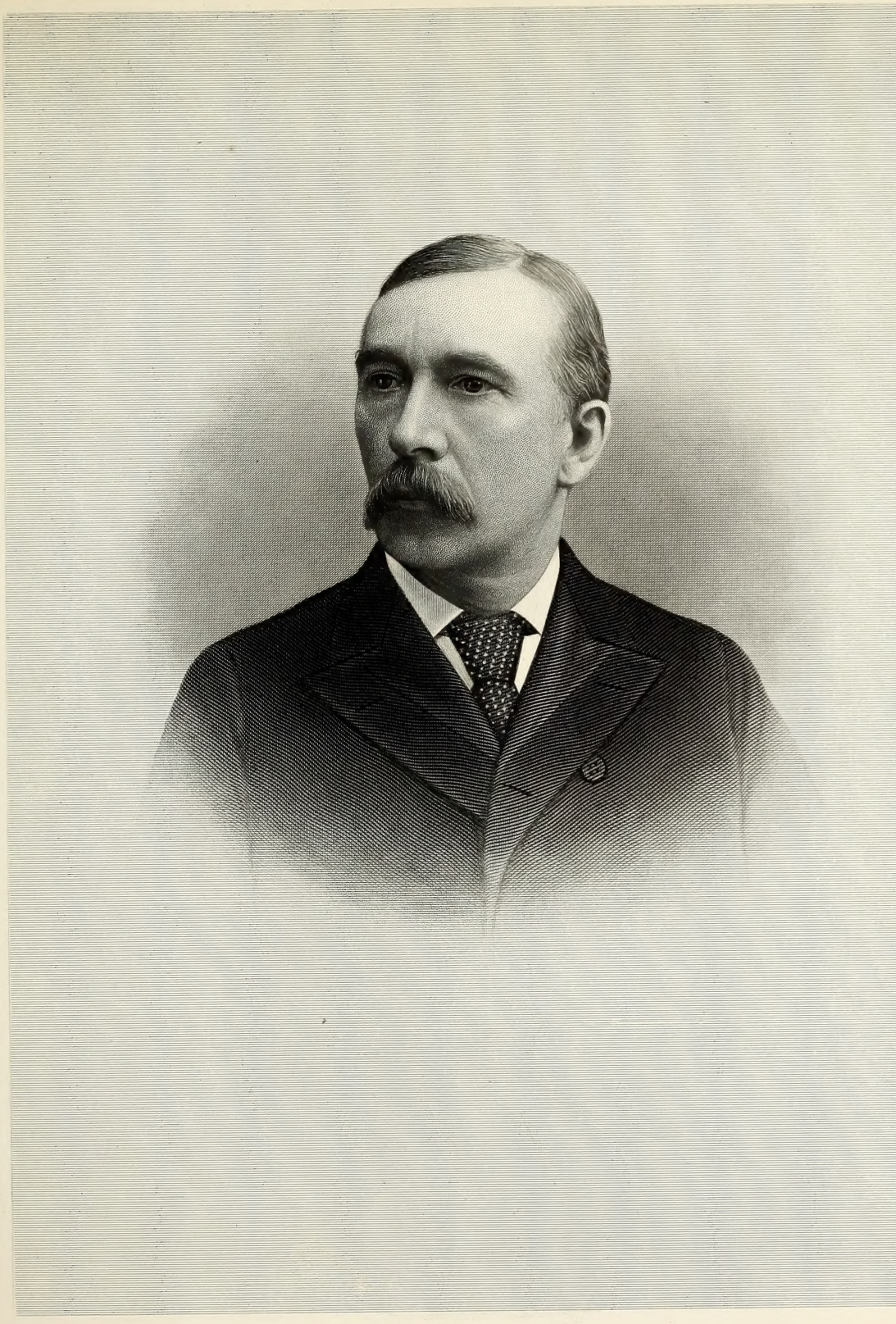
young student left New York to accept the place in the fall of 1883. Although he was not, after that, able to give his undivided attention to his law books, he had not in the least abandoned his intention to become a lawyer, and therefore devoted whatever time he could take from his duties to legal studies. In the spring of 1885 he came to St. Louis, and in the following October was admitted to the bar and immediately opened an office. Since that time he has been engaged in civil practice, and has been very successful. He has manifested a deep interest in the affairs of the Spanish Club since he came to St. Louis, and is one of the most influential members of that body, and was for two years its Treasurer. Mr. Bliss is unmarried.

Mr. Bliss is a gentleman of great industry, is ambitious and his sphere of usefulness is daily increasing. As a speaker he is graceful and eloquent, and as an attorney careful and painstaking. Nature has been kind to him, has endowed him with a fine personal appearance and the conformation of his face bespeaks a cultivated mind. He is popular and has a host of friends who are warmly interested in his career.

WELLS H. BLODGETT,

SAINT LOUIS.

THE eminent attorney whose name heads this sketch and who is best known on account of his connection with railroad litigation in the West, is the son of Israel P. and Avis (Dodge) Blodgett, and was born at Downer's Grove, Du Page County, Illinois, January 29, 1839. When far enough advanced in the elementary schools of his native place, he went for a short time to the Rock River Seminary and afterward spent two years in the Illinois University at Wheaton. Having settled that he would adopt the legal profession, he went to Chicago and studied in the office of his brother, Henry W. Blodgett, who was afterwards for many years on the Federal Bench in that city. During the month of his admission to the bar, he responded to the call of President Lincoln for seventy-five thousand men with which to put down the rebellion, by enrolling for three months as a private in a company commanded by Captain C. C. Marsh. In that company he saw no active service. On the expiration of that term, he enlisted again as a private in the Thirty-seventh Illinois Volunteer Infantry. From that time his rise was rapid. In October, 1861, he was made Lieutenant of Company D, of that regiment. In the spring of 1862, he was made Captain of the company, and in March, 1863, he was commissioned by President Lincoln as Judge Advocate of the Army of the Frontier, with the rank of Major of Cavalry. In August, 1864, he was commissioned Lieutenant Colonel of the Forty-eighth Regiment of Missouri Volunteer Infantry, and on October 1, 1864, he was made its Colonel. He was constantly on duty in the field, excepting for the few months he spent at headquarters as Judge Advocate. His command participated in the operations of Generals Fremont, Schofield, Hunter and Heron in Southern Missouri and Northern Arkansas, and later they were in Tennessee and Alabama, where his regiment formed a part of the Fourth Division of the Twentieth Army Corps. Colonel Blodgett was mustered out of the military service with his regiment in July, 1865. He was a gallant soldier, as is testified both by his earned promotions and the Congressional Medal of Honor which was awarded to him for distinguished gallantry in the field.



Wells H. Blodgett

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After the war had closed he settled at Warrensburg, Missouri, and began the practice of his profession. In 1866 he was elected to represent Johnson County in the Lower House of the Legislature, where he served two sessions. In 1868 he was elected for a term of four years to represent his district, composed of the counties of Johnson, Henry, Benton and St. Clair, in the State Senate. Although a Republican and an ex-soldier of the Union, he was one of the first in his party to advocate a repeal of the disfranchising and test oath clauses of the Drake Constitution of 1865.

In the fall of 1873, his reputation and ability as a lawyer were so well established that he was offered the position of Assistant Attorney for the St. Louis, Kansas City & Northern Railway, which he accepted. In June, 1874, he was made General Attorney of the company and continued in that relation until 1879, when the lines west of the Mississippi River were consolidated with the Wabash Railway, thus forming the system known as the Wabash, St. Louis & Pacific, the lines of which extended through, or into the States of Michigan, Ohio, Indiana, Illinois, Missouri and Iowa, and he was then elected General Solicitor of the consolidated company. In 1884 the roads of the system were placed in the hands of receivers appointed by the Circuit Courts of the United States, and thereupon he was appointed by the Court as the legal adviser of those officials. He successfully conducted the huge volume of complicated litigation that ensued, and which involved many millions of dollars. In 1889 the roads were reorganized under the name of the Wabash Railway Company and Colonel Blodgett was again placed at the head of its legal department as General Solicitor, and that position he still holds.

In July, 1865, he married Miss Emma Dickson, of St. Louis. They have three children, two daughters and one son.

HENRY WHITELAW BOND,

SAINT LOUIS.

IT is not given to many men to attain so early in life the honors and judicial reputation that the Hon. Henry Whitelaw Bond, Judge of the St. Louis Court of Appeals, enjoys. He is a trained lawyer, a deep thinker and above all is endowed in exceptional degree with that finely discriminate and analytical intelligence known as the "judicial mind."

Judge Bond was born January 27, 1848, near Brownsville, Tennessee. His parents were well-to-do and gave their son good educational advantages, and the common school part of this education was obtained in Tennessee. When sixteen years of age he came to St. Louis, where he entered what was then known as the City University, where he came under the tutorship of that able man and expert educator, who is without a peer in the history of St. Louis schools—Professor Edward Wyman. This course was of great benefit to the young student, and even took him far along a college course. However, before he continued his schooling, he returned for a short time to his native Tennesseean heath and from there journeyed to that renowned seat of learning, Cambridge, Massachusetts, where in 1865 he entered Harvard University. In the closing months of 1866 he once more returned to Tennessee, and in pursuance of a resolution previously formed, after a time he entered the office of Judge Thomas J. Freeman, of Brownsville, Tennessee, to study law, and with this able lawyer as a preceptor, completed the regular course of reading and after his admission to the bar in 1870 began practice at Brownsville, this event being contemporary

with the attainment of his majority. He was rather fortunate as a beginner, in the class of clients and business he succeeded in obtaining; but to the people of the county he was well and favorable known and the patronage extended was but a merited recognition of his ability.

After nine years spent as a practitioner in Tennessee, although he had established a good legal connection considering the length of time he had appeared before the bar, his ambition led him to believe that the West contained such larger opportunies as to offset the disadvantages of another beginning among strangers. He reached St. Louis in the spring of 1879, and on April 19 opened an office for practice in that city, and that he has risen in less than fourteen years from an unknown young lawyer to the second highest judicial honor of the State, denotes character and ability that fixes his place among the worthiest of his profession. During his first year of practice in St. Louis he was without a legal associate. In 1880 he formed a partnership with the late Judge James J. Lindsley. Judge Lindsley was a lawyer of splendid reputation, stood in the front rank of St. Louis practitioners, and the young lawyer's relationship to a man of such standing and ability, was of great benefit, in that it served in a measure to introduce his own native ability and capacity as a lawyer.

In 1885 Judge Bond was elected to represent his district in the Thirty-third General Assembly, and shortly afterward the partnership between him and Judge Lindsley was dissolved. Although not naturally insistent in matters concerning himself, but rather disposed to be of a retiring and modest disposition, he was hailed as a leader by the House. He served on a number of important committees and the House availed itself largely of his deep knowledge of constitutional law, and his service in the Legislature connected his name with much beneficial legislation. After the term ended, he returned to St. Louis and his practice, forming a partnership with Sir Charles Gibson and the latter's son, Charles Eldon Gibson, under the style of Gibson, Bond & Gibson. The firm entered the civil field, the greater part of their cases coming from corporations. They appeared as counsel in many such cases of importance in which vital points of law were involved and large interests were at stake.

In 1892 the firm of Gibson, Bond & Gibson was dissolved by the elevation of Judge Bond to the bench of the St. Louis Court of Appeals, to which he had been elected in the prior November. His election to this responsible office was a recognition of his integrity as a man no less than of his distinguished ability as a lawyer. So conspicuous were these qualities that they overshadowed the political exigencies of the situation, and he therefore attracted many votes outside his party. Although Judge Bond has political convictions, he has contributed largely to that most desirable result — the divorcement of the judiciary from politics. Believing that under present conditions the affiliation of the candidate with some political party is an absolute necessity, he is convinced that after he assumes the ermine his active association with things political should wholly cease.

Judge Bond is the ideal magistrate. Naturally an analyst, his training has given him the power to balance given facts; to note their relationship and to verify the influence of modifying circumstance; to separate and to combine, with all the exactitude of the expert mathematician. He is a legal chemist; but unlike the man of scientific formulæ whose processes are material, the operations of the legal analyst are wholly mental; instead of depending on retorts, reagents, etc., to reach a result, his methods and formulæ must be evolved entirely from his inner consciousness. The decisions and opinions of Judge Bond from the bench of this high court, have been models of legal learning and wisdom, worthy



Henry W. Bond.

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of the commendation they have received from the bar of the State because of their fairness and harmony with the law. The language of such opinions is clear and simple and generally carries the conviction of right. He is simple likewise in manner and disposition, straightforward and candid. Although courteous and unassuming, he bears himself on the bench with a dignity such as becomes his high judicial rank, without, however, verging on even the appearance of pomposity. His many rare qualities as a man, his unsullied integrity and his undoubted ability have endeared him to a host of friends and excited the warm admiration of bar and public.

In 1881 Judge Bond espoused Mary D. Miller, daughter of Judge Austin Miller, of Bolivar, Tennessee. They have an interesting family of four children, named respectively, Thomas, Irene, Whitelaw and Marion.

THEODORE BRACE,

PARIS.

HONORABLE THEODORE BRACE, Supreme Justice of the State of Missouri, was born in Alleghany County, Maryland, June 13, 1835. He is the son of Charles and Adelia (White) Brace. The father was of English birth and came to this country when very young. The subject of this biography received a good common school education, studied law at Cumberland, Maryland, and was admitted to the bar in the spring of 1856. Then following the example of a great many beginners in his profession, who desire to avoid the effect of that slowness of humanity to understand that the man has developed whom it knew as a boy, he decided to seek a location among strangers. Missouri then, as now, offered many opportunities to the young man of high aspirations, "the dreamer who in hopefulness of youth dreams of deeds of high emprise," and the young Marylander accordingly decided to investigate its possibilities. In December of the same year he was licensed to practice, he located at Paris, the county seat of Monroe County, and at once entered the lists as a candidate for legal honors.

He had scarcely well established himself in his new home ere the embers of factional hate flared forth in the red flame of war. True to his Southern education, young Brace was a warm partisan of the Confederacy. In the first year of the war he enlisted in a regiment of Confederate cavalry, which afterwards became the Third Missouri. On being mustered in he was elected Captain of Company A, but soon demonstrating his superior qualifications of leadership, he was promoted step by step until he reached the grade of Colonel. He won the different distinctions very rapidly, as is attested by the fact that he was taken prisoner near Springfield, Missouri, in the spring of 1862, and was, perforce, thereafter a non-combatant.

Like most of his comrades, he indignantly rejected the opportunity to "re-instate" himself as a citizen of Missouri by subscribing to the requirements of the Drake Constitution, or to sacrifice his manhood and honor by taking the "test oath," and he therefore did not resume practice at Paris until these odious restrictions were removed. Shortly after he had re-established himself, he held the office of City Attorney of Paris. In 1874 he was vested with an office of high responsibility, being elected to represent his district in the State Senate to fill out an unexpired term. In 1879 he was elected Judge of Probate, and administered the office with such wisdom and ability, that his party made him its can-

didate for Circuit Judge. To accept this nomination he resigned his office of Probate Judge, and was elected (1881) to preside over the Sixteenth Judicial Circuit. With such impartiality, discrimination and ability did he discharge his duty as Judge, that his reputation as a jurist spread beyond his circuit, and therefore when his friends placed his name before the State Democratic Convention of 1886, he was enthusiastically made the nominee of his party, and was elected to the highest judicial position in the gift of the people of the State — the Supreme Judgeship. In 1896 he was elected as his own successor, and therefore has nearly the whole of his second term yet before him.

That Judge Brace more than fulfilled the expectations of his friends, during his first term, is well known; that he will, with the wide foundation of ten years of judicial experience under him, add largely to his reputation as a profound interpreter of the law, is almost a certainty. He is a man of education and has a deep fund of general knowledge wherefrom he may draw wisdom that is of material assistance in the solution of the law's intricate problems. Thoughtful and deliberate, he is nevertheless endowed with great decision of character, a trait of the highest value in one who is called upon to decide such grave questions as may grow out of the law's interpretation. He likewise possesses a good business head, and while he may be considered a practical man, he is enough of a theorist and thinker to give his mental constitution the proper balance. Withal, his understanding of the law, in its various bearings, is profound, and he is governed by that nice sense of equity which serves to make the written law more pliable and just. He is one of the many able men who have sat upon the Supreme Bench of Missouri.

In his social aspect the Judge is a most agreeable man. He is an adept Royal Arch Mason and an Odd Fellow, and is active in church circles, being a member of the Christian Church. The wife of Judge Brace is an accomplished lady and a meet companion for her distinguished husband. They have a most interesting family of seven children, and have been blessed by two pairs of twins, all living but one of the youngest pair. Mrs. Brace was formerly Miss Roana C. Penn, daughter of Major William Penn, who served as County Clerk of Monroe County for about sixteen years. Judge Brace and Miss Penn were married in October, 1858.

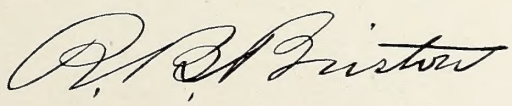
ROBERT B. BRISTOW,

MONROE CITY.

ONE of the most delightful and interesting members of a fraternity that has few members that are not notable because of their accomplishments, is he of whom a brief sketch is here appended. He is delightful and likeable because the love and charity he feels toward all mankind is to be seen as much in the everyday courtesies of life as in the acts of graver moment in his career. He is interesting because his life has bridged the widest experiences, because he has observed closely and can talk well, and because he is a man of superior intellectuality. The people among whom he lives, have had opportunity in the more than a quarter of a century he has been among them, to know his many sterling qualities of head and heart and character, a recognition and appreciation that are reflected in the high respect and esteem that are accorded him.

Major R. B. Bristow is a native of Virginia and in his bearing is to be noted much of the pride and honorable self-respect that are characteristic of the worthy men and women





of the Old Dominion. He would never tell you so himself, considering that the influence of good blood is to be seen in manly, upright actions, rather than words, but it is a fact that he is related to some of the best families of a State that produced many whose ability was persistent and was transmitted from father to son repeatedly. The Bristows were English, and emigrated from Bristol, where they had lived for generations, to America some time prior to the Revolution. They settled in Eastern Virginia, between the Rappahannock and York Rivers, and from there spread westward. The Bristow family so closely associated with the history of Kentucky, is of this same stock.

Major Bristow was born near Urbana, Virginia, January 21, 1840, and is the son of James S. Bristow and Leonora Seward, his wife, the latter being a member of the prominent Seward family of New York. The son received his higher education at Alleghany College, near Lewisburg, Virginia (now West Virginia), an institution that was burned during the war and never subsequently rebuilt. His father being a lawyer, and one of the most able and successful of the local bar, his son was filled with the ambition to adopt his calling. In this the father encouraged him, and thus it happened that Robert entered his father's office at Saluda, Virginia, and from thence went to Brokebrough Virginia Law School at Lexington, Virginia, where he completed his technical studies, and returning to Middlesex County, was there licensed to practice in January, 1861. As will be noted, the Civil War befell just at a time in the lives of many of the lawyers who appear in this book when they were entering, or preparing to enter, practice. So was it with the subject of this biography. The excitement, especially in Virginia, at the time he was admitted in January was almost as great as when the war had begun three months later. Hence the young man did not attempt to begin practice, but was caught up by the prevalent belligerent spirit and carried into the heat of the contest. Sumter was fired on April 12, 1861; six days later, or on April 18, 1861, the subject of this sketch had enlisted as a soldier of the Cause that was Lost. He entered the army as a private, served one year as such and was discharged because of disability. When he became physically sound, he re-entered the service as a volunteer of the Virginia State Line. He was soon promoted to the rank of Major of Cavalry, and as such served until the disbanding of General Floyd's command in 1863. He then at once re-enlisted in the Confederate Army and served until the last day of the war, being one of those who surrendered at Appomatox, April 9, 1865. During the contest he was for years in the very hottest part of the struggle, and passed through untold hardship and danger. He had many narrow escapes, but on all occasions conducted himself bravely and becomingly, and as one thoroughly convinced of the right of the principle for which he risked his life almost daily.

After Appomatox, he returned to Middlesex County, and on the re-opening of the courts in 1866, began practice. He continued to practice in Virginia until caught in the great tide of emigration which moved westward from war-stricken Virginia, he left his native State, and in the fall of 1870 came to Missouri and located at Monroe City in Monroe County, where he has ever since lived. He began practice at this place as a partner of Pierre R. Ridgely, the two shortly thereafter, besides their law business, beginning the publication of a Democratic weekly paper, known as the Monroe City Appeal. In the spring of 1872, the law offices of the two partners, together with the plant of their news paper, were destroyed by fire. This calamity caused Major Bristow's withdrawal from both the legal and newspaper partnership, since which he has practiced without an office associate.

Major Bristow has never held a civil office, excepting that of City Attorney of Monroe City, which he accepted more from a sense of public duty than from personal inclination. He loves the quiet delights of private life, and though possessed of a reputation and popularity that would place him in an enviable position in public life, he has never been inclined to use either to that end. He has no aspirations to assume the ills and vexations of a public servant, holding that a reputation as a lawyer is the most accurate evidence of one's ability. In 1892, however, yielding to the urgent solicitations of his friends, he permitted his name to go before the Democratic Convention of that year as a candidate for Circuit Judge, an office the acceptance of which would involve no unfaithfulness to his mistress, the Law. In that body he was defeated, by a margin so close that it was almost as much a compliment to him as the vote given his successful opponent, Judge Roy.

Major Bristow is a Democrat of the old school. He is active in politics, but his activity springs solely from the desire to see triumph the principles he is convinced are right. The confidence his party yields him is to some extent shown in the fact that in 1892 he was elected to the position of Chairman of the Democratic Committee of the Eastern Judicial District of the Appellate Court of Missouri. Among Odd Fellows he is known as a respected member of that fraternity, of which he has been a member since 1872. He has served several terms as his lodge's Noble Grand. His law practice is almost altogether civil. In this field he has been very successful, and few important cases have come before the courts of Monroe or Ralls Counties in the last fifteen years, in which he has not appeared as counsel.

Major Bristow was married in 1866, the year he began practice. Miss Lucinda Cauthorn was the lady he espoused, and the marriage proved a most felicitous one. Mrs. Bristow is a native of Essex County, Virginia, and is closely related to the Cauthorns of Audrain County, Missouri. The couple have never been blessed with children, but with that greatness of heart and practical philanthrophy which is characteristic of both, they have raised and educated a large number of their younger brothers and sisters, nephews and nieces.

JAMES OVERTON BROADHEAD,

SAINT LOUIS.

THE abilities and merits of men are not factors which lend themselves to exact estimate, but were any lawyer of experience and intelligence asked who in his opinion stood first among the practitioners of the Missouri bar, he would doubtless answer, "James O. Broadhead, of St. Louis." No man has more endeared himself to his profession. His usefulness as a citizen, his worth as a man, his unselfish services as a public official, and his long and honorable career as a lawyer, entitle him to the high esteem which is his. No man living within the borders of the State has had a more notable career than Hon. James O. Broadhead. No man has played a more conspicuous part or has more years of active, useful, and unselfish service to his credit than he. Able, fearless, conscientious, just, philanthropic, he has contributed a long life-time of helpful effort in behalf of humanity and his noble life has been an inspiration to high ideals.

James O. Broadhead is a native of Virginia, having been born in Charlottesville, Albemarle County (the seat of Virginia learning), May 29, 1819—nearly seventy-nine years



James O. Broadhead

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ago. As far back as the record runs the family has shown itself possessed of a most robust mental constitution, and that vitality of mental and moral characteristics has persisted to the present day and with each succeeding generation seems to have increased in vigor. Jonathan Broadhead, the grandfather of James O., established the family in America, coming from Yorkshire, England (his native place), and settling in Albemarle County, Virginia, some time during the struggle for independence. He soon took high rank and assumed an influential position among the proudest people of the commonwealth, who lived in that section. His son, Achilles Broadhead, the father of our subject, was born in Albemarle County, and was a man of the noblest human virtues and possessed of great force of character. He was such an one as is instinctively trusted by his neighbors and during his career served well his fellow man. He was a planter, and for a number of years served his native county as its Surveyor. Intensely patriotic, he became a soldier of the War of 1812. At an early day he removed to St. Charles County, Missouri, where he soon took his place as one of the leading citizens of the new community. In St. Charles County he was made County Judge, was a ruling elder in the Presbyterian Church, and was universally looked to as a resourceful friend and adviser of his pioneer neighbors. One has said of him: "A plain, earnest man, full of common sense, faithful in all the relations of life, * * * whether in public or private station, all men trusted him." Achilles Broadhead married Mary Winston Carr, a member of the noted family of that name in the Old Dominion. She was of Scottish descent, and her family settling in America at an early day occupied large estates in Albemarle County. She was a woman of rare virtues, of right hereditary tendencies and fine intelligence, sensitive, noble, of strong feelings and impulses, and devoted to her children, of whom she bore five, three sons and two daughters. Of these James O. was the eldest. That the splendid characteristics of the family were inherent is shown by their persistency. Garland C. Broadhead, the noted geologist, has done no less to sustain the family record of high accomplishments, than has his elder brother, James.

The latter received a good classical education, acquiring his preparatory training under his uncle, Dr. Frank Carr, a highly educated gentleman, then keeping a select school at Red Hills, Virginia. In 1835, when sixteen years of age, he entered the University of Virginia, where, as his father believed that the lesson of self-reliance was the most important in life, he was compelled to be self-sustaining. At the end of a year of close application at this institution, he was offered an opportunity to contribute to his further support and education, as the teacher of a private school in Baltimore. It was while engaged in this work that he received a letter from what was then the far outpost of civilization, telling of the serious illness of his mother. He closed his school and started West, reaching St. Louis in June, 1837, and went at once to his father's farm in St. Charles County. Several months after he reached Missouri he had the rare good fortune to make the acquaintance of that gifted lawyer and distinguished man, Hon. Edward Bates. Mr. Bates was favorably impressed by the young man and engaged him as tutor of his children. During the next three years he was an inmate of the Bates household, and appreciated to the fullest this opportunity for study, and the manifest advantages of intimate association with such a great and cultured man as Mr. Bates. Inspired by such a notable example, the young man decided to adopt the law as a profession. Mr. Bates became his instructor, and under him he completed his legal education.

Mr. Broadhead was admitted to the bar in 1842 — fifty-six years ago — by Judge Ezra Hunt, at Bowling Green, Pike County, Missouri. He at once located at this town and

began practice in the circuit composed of St. Charles, Lincoln, Pike, Montgomery, Ralls and Warren Counties. The bar of Northeast Missouri was then composed of some of the most gifted and brilliant men that ever graced the bar of the State. That the young man made progress rapidly in competition with such experienced men, speaks emphatically of his former diligence as a student, his native ability and his natural graces of manner.

He soon became interested in the political events of the time, and so far had he acquired the confidence of his fellow-citizens, that in 1845 he was sent as a delegate from the Second Senatorial District to the Constitutional Convention of that year — a high compliment to a man of his years. In 1847 he was the Whig candidate of Pike County for the Legislature, running against Nicholas P. Minor. Although the latter was very popular and the county was nominally Democratic, young Broadhead reversed this condition and was elected. He made a step forward in 1850 when he was elected to the State Senate, his reputation for ability and eloquence having by this time spread beyond his own section.

The year 1859 marks an epoch in the life of Colonel Broadhead, as in that year he located in St. Louis. A few years previous to this he had been married to an estimable Pike County lady. She was at the time of the marriage (1847) Miss Mary S. Dorsey, a native of Maryland and a member of an excellent family. Of the children born of this union, there are two daughters and one son, the latter now a promising young lawyer of St. Louis, who has inherited many of his father's sterling characteristics.

On first coming to St. Louis, Mr. Broadhead formed a partnership with Fidelio C. Sharp, and in the many years that have intervened since then Mr. Broadhead has been a leading factor in every movement to advance the city and to benefit humanity. What time has not been given to the public service has been devoted to private practice, and although now almost an octogenarian, he daily transacts a volume of legal business that might tax the strength of many lawyers of half his age.

In the agitation and ferment that preceded the Civil War, he took a leading part. Although a Virginian he held the Union above all else, and in 1860 and 1861 when all was consternation in St. Louis, his qualities as a born leader of men were made conspicuous by those events. He was one of those strong men who took the initiative, and used his whole influence to prevent Missouri going out of the Union. Through the efforts of himself and other brave spirits the Union sentiment of St. Louis was consolidated and given a head. He acted in conjunction with Frank P. Blair, Lyons, Gamble, Giles and O. H. Filley and others, and at a meeting held at Washington Hall, St. Louis, in February, 1861, it was determined to meet force with force, and from that meeting the Committee of Safety was crystallized. Mr. Broadhead, at the suggestion of Hon. Frank P. Blair, was named as one of the five persons who constituted this responsible committee. The decisive and energetic action of himself and colleagues beyond doubt kept Missouri in the Union, as when they assumed charge there were but two companies of United States troops west of the Mississippi, but with such good effect did they act that in a short time there were six full regiments in Missouri.

The Legislature of 1860-61 provided for the assembly of a convention "To consider the relations of the State to the Federal Government." The contest between the Union and Southern men in St. Louis was very bitter, but the Union delegation of fifteen leading citizens, of whom Mr. Broadhead was one, was elected by over 6,000 majority. The convention assembled at Jefferson City in April, 1861, and in July, 1861, that body's committee, of which Mr. Broadhead was Chairman, reported advising that the offices of Governor,

Lieutenant-Governor and Secretary of State be declared vacant, and that a provisional government be established favorable to the Union. This report was adopted by the convention, on July 30, by a vote of fifty-six to twenty-five and Hamilton R. Gamble was elected Governor. The convention met frequently during the next two years and in all these sessions Mr. Broadhead took a leading part.

In 1861 he was appointed United States District Attorney for the Eastern District of Missouri to fill the term made vacant by the death of Asa Jones. He resigned within a few months and was appointed Provost Marshal General of the department comprising Missouri, Southern Iowa, Arkansas, Kansas and the Indian Territory. This was a most responsible position and his decisiveness, tact, courage and ability in the administration of its affairs, undoubtedly proved of inestimable benefit to his country. Nor were the duties he discharged within the scope of this office all that he unselfishly gave in behalf of the republic. He was one of the strong, virile figures of that troublous time, and a leader whose wisdom and decision of character inspired the confidence of all men.

His public services since the war have been no less conspicuous than during that struggle. In 1875 he was a member of the Constitutional Convention, and at once took his place as a leader of that body of able men. In 1876 the Missouri Democracy thought seriously of presenting his name to the National Convention as a candidate for President. He was one of the members of the Commission which framed the Scheme and Charter of St. Louis, under the Constitution of 1875, which is pronounced by William C. Marshall, the authority on municipal matters, one of the most perfect instruments of the kind extant. He was one of the attorneys retained by the United States Government to prosecute the Whisky Ring cases. In 1882 he was elected by the Democracy of the Ninth District to represent that constituency in the Forty-eighth Congress, and during that session reflected credit on his State.

In 1885 President Cleveland paid a deserved tribute to Colonel Broadhead's worth and ability by appointing him Special Commissioner, under the provisions of an act of Congress, to visit France and examine the archives of the government in relation to the French Spoilation Claims, which had long been pressing for adjustment. At the beginning of Cleveland's second term he appointed Colonel Broadhead Minister to Switzerland. He held the office for a time, but as the residence in Switzerland necessitated separation from his family, and as he felt that he was growing old, he resigned the office in 1895, much to the regret of the administration, and was succeeded by John L. Peak, of Kansas City. Returning to St. Louis, he has since engaged in practice with his only son, Charles S. Broadhead.

A former biographer, who was intimately acquainted with this man of strong and commanding character, says of him: "In seeking to analyze his mind and character, he should be described as strong, direct, straightforward, open, candid, truthful, severely logical, and yet graceful at times, and eloquent as well as forcible in speech. He would be found to be more wise than witty, and yet possessing a fine fund of humor; remarkable rather for strength than for agility; full of sympathy for the unfortunate and the suffering; of inexhaustible kindness of heart and charity; of unfailing fidelity in friendship; fond of nature, and of simple tastes, his industry and energy, his courage and fidelity to principle are illustrated in his career."

WILLIAM CARTER,

FARMINGTON.

JUDGE WILLIAM CARTER, of Farmington, comes of a genealogical tree that has long drawn its sustenance from American soil. The Carters were originally English, and the earliest American representative of this branch of the family, of whom there is definite record, was King Carter, who located in Virginia in the Seventeenth century, and was, perhaps, the English emigrant who brought the family name to the new colony. From Virginia a branch of the family spread to South Carolina, where Zimri Carter, the father of Judge William Carter, was born. He married Clementine Chilton and came to Missouri in 1807, a very early day in the history of the commonwealth. He lived for many years in Southeast Missouri, and in the latter years of his life was known and respected as one of the sturdy, early pioneers of the State.

He settled in what was then known as Ripley County, but since its division has become Carter County, and there his son William was born, December 11, 1830. The latter received a good education for those days in Southeast Missouri, finishing his literary educational course at Arcadia College, Arcadia, Missouri, where he graduated with the degree of A. B. He studied law at Louisville Law School, a famous law school in the earlier years, and was admitted to practice in 1853.

He began practice in 1854 and continued as a regular practitioner until the date of his marriage in 1862, when he removed to St. Francois County and located on a farm. He only remained there for about a year, however, as evidently finding agriculture unsuited to his inclinations, he moved to Farmington, the county seat of the same county, where he has continued to reside since.

In the same year of his marriage (1862) Judge Carter was elected to the Circuit Bench of that Judicial District. Six years later he was re-elected as his own successor, and served continuously until 1874. With the exception of the twelve years he sat upon the bench, the Judge has practiced his profession continuously since 1854—a period of forty-four years. In 1874, on his retirement from the bench, he was the recipient of further honors at the hands of his fellow-citizens, who elected him to represent St. Francois County in the Legislature. An instance of his standing among his fellow-members is to be seen in the fact that he was a member of both the Ways and Means and the Judiciary Committees. Of the first-named committee he was the Chairman. His record as a Legislator was a notable one. His talents at once drew attention to himself, and both through these powerful committees as well as on the floor of the House, he exercised a most potent influence on legislation during that session.

Throughout his career Judge Carter has construed the duties conferred by an adoption of the legal profession rather strictly. He holds that to pay proper court to the Blind Goddess, one must abandon every other pursuit, and hence he has permitted himself to become interested in few affairs outside the law. However, his devotion to his town has led him to relax the rule in every movement relating to its welfare, and thus he has lent moral and material support to all such measures. At the present time he is interested in the Farmington Bank, of which he is a Director and the Vice-President. In fraternal circles he is known as a Mason of long standing.

Judge Carter was married March 27, 1862, to Maria McIlvaine, daughter of Col. J. H. McIlvaine, of Potosi, Missouri. The couple have reared a most interesting family, which

consists of five sons and two daughters. The eldest son, Jesse McIlvaine Carter, adopted the army as a profession, and is now an officer in the United States service, connected with the Fifth Cavalry. William Francis Carter, the second son, followed his father's example, and is at this date a practicing attorney in St. Louis, and gives indication of reaching a degree of success equally as high as his sire has achieved. Thomas Bailey Carter, the third son, is a successful electrical engineer. The next in age, Charles Hardin Carter, is also a lawyer, but so far has refused to leave his native town and is therefore practicing at Farmington. Edwin Farnham Carter is a minor, and yet remains in his father's house. Clementine Chilton, the eldest daughter, is now the wife of Dr. M. A. Bliss, a practicing physician of St. Louis, while her younger sister, Grace Allen, is still a school girl at home.

Judge Carter's long career in Southeast Missouri has won him that meed of honor and esteem to which the rigid uprightness and usefulness of his life entitle him. No name is more respected in that part of the State than his. Though he has done his full share of labor, and has contributed to his State seven children, whom he has reared to be honorable, self-respecting and useful men and women, he still continues to do that which duty apportions him to do, and still in the full vigor of life, he has no thought of shirking any obligation on account of those he has already discharged. Naturally of strong and aspiring mind, his ripe experience as lawyer and jurist and in the various affairs of life has given him a fund of knowledge which makes him worthy of the highest respect and honor, and hence it is that his neighbors defer to him. They have confidence in his wisdom and experience, and therefore they accept his word as law.

CHAMP CLARK,

BOWLING GREEN.

SURELY one of the most gifted men that Missouri has sent to Congress in recent years is Champ Clark, of Bowling Green, Representative in the Fifty-fifth Congress from the Ninth District. He is a native of Kentucky (as are almost everybody else, or their parents, in Pike County), having been born near Lawrenceburg, Anderson County, March 7, 1850. He was educated in the common schools, later took a course at Kentucky University, at Lexington, and completed his schooling at Bethany College, West Virginia, where he graduated with high honors in 1873. His legal training was acquired at the Cincinnati Law School, from which he received his degree of LL. B. in 1875. This schooling was secured only by hard and persistent effort, as he was compelled to be self-sustaining. Between 1865 and 1876 he worked at whatever offered, laboring as a hired hand on a farm, clerking in country stores, and at intervals teaching school until he had secured the coveted educational culture. Prior to entering the Cincinnati Law School he was, from 1873 to 1874, President of Marshall College, the first Normal School established in West Virginia. Still continuing his vocation as a school teacher, he came to Missouri in 1875 as principal of the High School at Louisiana, where, after he had completed his term as instructor, he located and engaged in practice, and has since practiced in Pike County continuously, excepting the periods he has been engaged in the public service.

It was not reasonable to expect that a man of his qualifications could long remain in obscurity. His talents naturally fitting him for a public career, he soon came to be looked upon by his fellow-citizens as a political leader. He was at different times City Attorney of Louisiana, Assistant Prosecuting Attorney and then Prosecuting Attorney of

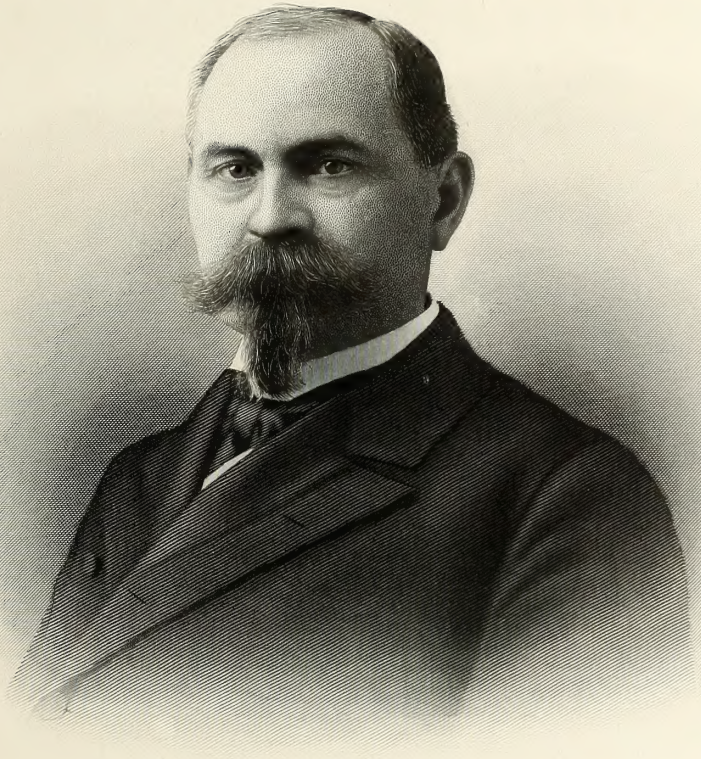
Pike County. In 1879 he became the editor of the Riverside Press, now the Louisiana Press, and this vocation partly served to demonstrate his marked versatility. In 1880 Mr. Clark removed to Bowling Green, and that town has since been his home.

In 1880 he was one of his party's Presidential Electors. In 1881 he married Miss Genevieve Bennett, an estimable young lady of Callaway County. In 1891 he was elected by Pike County to the Legislature, and as a matter of course was a commanding leader in that body, wielding perhaps a larger degree of influence than any other member of the House. In 1892 he was elected to the Fifty-third Congress. That in his first term he was able to forge to the front rank in that body and win the attention of the entire country, gives some idea of his talent and ability. In 1896 he was again elected to Congress, and it may be predicted that he is destined to become one of the State's greatest leaders in the National Legislature.

Champ Clark is a man of exceptional individuality. He is original in all things. He is, in fact, Champ Clark, and no other man was ever created like him. He is *sui generis*. In his presence you feel that here is a man who feels, thinks and acts for himself; that he is a strong, fully developed, forceful character, natural, and richly endowed by Nature. He is rather too forceful, courageous and straightforward to be a good politician, but his qualifications do attain the standard of statesmanship. He is an eloquent speaker and a fluent writer, and in every campaign of recent years he has been a power on the stump for Democracy.

Of him Amos J. Cummings, his colleague in Congress, and like Clark, a close observer of men and events, and a thinker as well, says:

"Probably the most picturesque figure in the House is Champ Clark, of Missouri. Clean-faced, blue-eyed and natty in appearance, he is as quaint in delivery as are his utterances. He has a clear, ringing voice that gathers in strength as he drives home the logic of each sentence. He begins each paragraph well back in a side aisle, and burning with enthusiasm, walks down the aisle towards the Speaker's desk, clinching his proposition twenty feet away from it. Every eye is upon him. Rarely does any one interrupt him. It would be dangerous, for Champ is as apt at repartee as the Speaker himself, and twice as blunt. His tropes, metaphors and similes are sparkling and quaintly original. At times they arouse uncontrollable merriment, but the residuum develops thought, if not conviction. Champ Clark has hoed his own way in life and has finally won National fame. Although only forty-seven years old, he has been a farmer, a clerk in a country store, an editor of a country newspaper, a country lawyer, a college President, a Prosecuting Attorney, a Presidential Elector, a member of the Missouri Legislature, and a Congressman. He sprang a surprise on Tammany Hall four years ago at a Fourth of July celebration. Joseph C. Hendrix had woven anti-silver sentiments into his tapestry of patriotism, and Champ paralyzed the braves by deftly drawing them out and substituting sentiments that foreshadowed the Chicago Platform of 1896. From that day to the present he has been an ardent advocate of free silver and a devoted follower of Richard P. Bland. In the present House (the Fifty-fifth Congress), however, he probably will take an active part in debate on matters concerning Cuba and Hawaii, as he is a member of the Committee on Foreign Affairs. His speeches are apparently unstudied and spring directly from the heart. Impulsive, sympathetic, magnetic and absolutely fearless, he is a figure not only picturesque, but one that may command the attention of the Nation as completely as he has commanded that of the House."



W. H. Clopton

Legal Publishing Co St Louis

WILLIAM HICKMAN CLOPTON,

SAINT LOUIS.

WILLIAM HICKMAN CLOPTON, United States District Attorney for the Eighth Judicial Circuit, is a native of Alabama, and was born near Huntsville, August 24, 1847. His father, Dr. James Alexander Clopton, was a noted physician and surgeon of the South, and his father was a soldier of the War of 1812. His mother was Miss Mary Penney. The family was well-to-do and of social standing, and the son was given a good education, and when ten years of age was sent to Hoffey's Boarding School, situated in northern Alabama. The academic courses were begun at LaGrange Military Institute, of LaGrange, Alabama, which he entered as a cadet in the fall of 1860. From there he went to the Southern University, at Greensborough, Alabama.

But the disturbance and stress of the great war between the States were constantly becoming more pronounced. The armies of the North were continually pushing southward, and Alabama had need of every one of her sons. Thus it was that the student, though but a boy of sixteen, enlisted as a soldier under the Stars and Bars. He went directly from the college to the Confederate Army, enlisting as a private in the escort of General Daniel Adams.

In October, 1865, he entered the University of Virginia. In July, 1868, he graduated from the law department of the noted University, standing high among his fellows.

The war had wrought a stupendous change in the South. She lay back exhausted by the struggle to which she had sacrificed the flower of her manhood. The young collegian's family had suffered with the others, and as he must need make his own way in life, he was convinced that Alabama and the South then offered small opportunity to the young man of energy and ambition, and accordingly determined to seek his fortune to the westward. He reached St. Louis within a few weeks after his graduation from the University of Virginia and was admitted to the bar in that city in October, 1868. Since that date he has been a member of the St. Louis Bar and has pursued his calling with a constantly rising reputation. As a lawyer he is undoubtedly able and gifted, and as a man, is conscientious and strictly honorable. There has been little of the pyrotechnic or the sensational in his career as a lawyer, but he is noted rather for his solid attainments and the depth of his legal learning. There is nothing superficial about him, but much that is genuine and worthy. He is an original and a profound thinker, is an eloquent speaker, and the sincerity of his purpose is stamped on his every action. He is of warm and rather sanguine temperament, but nevertheless, his friendships are sincere and lasting. He is kindly and courteous, genial and sociable, and is a gentleman of culture and æsthetic tastes. He is modest withal and the appointment as United States District Attorney which came to him in 1894, was an unsolicited testimonial of appreciation of his worth. He accepted the office and has discharged its duties with rare tact and splendid ability. Prior to this appointment he had an excellent civil practice, much of this business consisting of land and insurance cases.

Mr. Clopton's wife was Miss Belle Bryan, daughter of Dr. John Gano Bryan, an eminent physician of St. Louis. They were married January 29, 1873, and Mrs. Clopton died November 9, 1893. She was a lady of exceptional culture and refinement. Three children were born to the union, of whom Malvern B. (21), is now a student at the University of Virginia; William H., Junior (17), is a cadet at Missouri Military Academy at Mexico, and Emily (11), is a student at Sacred Heart Convent at Maryville, Missouri.

JEREMIAH CHAPLIN CRAVENS,

SPRINGFIELD.

AS do so many of the men who occupy an advanced position in the multifarious affairs of present day life in Missouri, Col. Jeremiah Chaplin Cravens, of Springfield, comes of that result-producing blood mixture, the Scotch-Irish, refined and strengthened by being filtered through Virginia down to Missouri. At least the Cravens were of Scotch-Irish extraction, and it is likely our subject received a further inheritance of one or the other, or both of those strains, from the Chaplins, who represent the maternal branch of his genealogical tree, as this family settled in Maryland, at an early day. In Washington County, of that State, Colonel Cravens' mother, who was Ruhannah Chaplin, was born. His father, Dr. John Cravens, was in his day one of the skillful physicians and surgeons of Northwest Missouri, especially excelling in the last named branch and as an oculist. Born and reared in Harrisonburg, Virginia, he removed to Missouri a few months before the birth of his son, the subject of this sketch. Settlement was made in Saline County, but the Doctor remained there but a year or two, removing thence to Gallatin, Daviess County, Missouri, where he spent the balance of his life, dying in March, 1882, at the advanced age of eighty-five.

The Cravenses were among the Colonial settlers of Virginia, reaching these shores in the early part of the Eighteenth Century. The grandfather of our subject was Dr. Joseph Cravens, who was no less skillful in the medical profession than his son John. The former, although but a lad of fifteen at the close of the Revolution, was a private in the Virginia Militia and was at Yorktown when Cornwallis surrendered, and participated in that event. Four of his brothers also risked their lives in that great contest for liberty, and one of them, Rev. William Cravens, became one of the most noted ministers of the Methodist Church and an early pioneer in the work of the church in Indiana and Illinois.

Jeremiah C. Cravens was born at Miami, Saline County, Missouri, February 18, 1838. This was at the beginning of the short period during which his father resided in that county. When he removed to Daviess, he settled on a farm about two miles from Gallatin. There the son spent his boyhood, attending such schools as the neighborhood afforded, until he was fourteen years old, at which time his father concluded to move to Gallatin, where he opened a drug store in connection with his practice. The son was placed behind the counter, and with a Latin grammar and lexicon and with his father's assistance, he soon became a fair pharmacist. After that he entered the Masonic College at Lexington, Missouri, from where he went the year following to the State University at Columbia. There his class-mate, room-mate and chum was Hon. Stephen B. Elkins, now Senator from West Virginia. In his class were also Hon. T. B. Catron, now of New Mexico, Dr. A. J. Thomas, of Vincennes, Indiana, and a number of others who have since become prominent. The subject of this sketch graduated from the University with the degree of A. B. in the class of 1860.

Scarcely had the young collegian time to settle on a career, ere the Civil War flamed forth. He enlisted in the Confederate army at the beginning of hostilities, June 14, 1861, and served four years and one day, as he surrendered June 15, 1865. He passed through much privation, suffered many hardships and encountered many dangers. He enlisted as a private in Missouri State Guards, Slack's Division, was promoted by General Slack to Aide-de-camp in December, 1861, with rank of Lieutenant-Colonel, but prior to that had

participated in the battles of Carthage, Wilson's Creek, Drywood, Fort Scott and the siege of Lexington. He did staff duty in the retreat from Springfield, in February, 1862, led the skirmish line at the battle of Pea Ridge, Arkansas, in March, 1862, and was beside General Slack when he fell mortally wounded, in the first charge. When the army under Van Dorn and Price was transferred east of the Mississippi, he was assigned to the staff of Brigadier-General Martin E. Green, thus accompanied the command to Corinth, Mississippi, and participated in the battle of Farmington before the evacuation of that town. The staff being more numerous than suited Colonel Cravens, he resigned and accompanied Col. John T. Hughes back to the Trans-Mississippi department on a recruiting expedition. They organized, near Fayetteville, Arkansas, one hundred Missourians who had served as State Guards but whose time had expired, with Colonel Hughes in command, and Colonel Cravens as First Lieutenant. Thus organized, they made a raid which resulted in the capture of Independence and 250 prisoners. There Colonel Hughes was killed and Lieutenant Cravens was elected Captain, and a few days thereafter led the company at the battle of Lone Jack. On the retreat to Newtonia, the company became part of the First Regiment of the noted Shelby Brigade, and as such he led it in all the campaigns and engagements of that command until November, 1863, when on the re-organization of the regiment, he was elected Major. He was constantly in the field, rode with Price in the raid of 1864, and was in the battle of Newtonia, on the last day of October, 1864, the last battle fought on Missouri soil. There Colonel Smith, his superior officer having been mortally wounded and left in the hands of the enemy, Major Cravens was promoted to the rank of Lieutenant-Colonel of Cavalry and held that rank when the Confederacy collapsed.

Colonel Cravens studied law after he came out of the army, such studies being carried forward at Batesville, Arkansas, under the tutelage of Judge William Byers and Hon. James W. Butler, two of the ablest lawyers of Arkansas in that day. He was admitted at Batesville in May, 1866, and shortly thereafter located at Springfield, where he has practiced continuously ever since. For many years he ranked high as one of the most expert criminal practitioners of the southern part of the State, but about ten years ago he retired from criminal practice altogether, and has since devoted himself exclusively to the civil branch. For the last seven years he has been a division attorney for the Kansas City, Fort Scott & Memphis Railway, and has had charge of the principal part of its litigation throughout southern Missouri.

Colonel Cravens' ambition has never taken a political direction, although in all matters of that nature he has always shown a strong interest. He says he "is a Democrat both by instinct and education," although his father would never admit that he was anything but a "Henry Clay Whig." In religion he is a Presbyterian and subscribes to the "Old School" faith of that church. He has been a member of that church for twenty-five years, and for many years past has been one of its ruling elders.

August 11, 1864, while he was a Major in the Confederate service, the subject of this memoir was married at Batesville, Arkansas, to Miss Cynthia D. Smith, daughter of Col. Robert Smith, one of the most prominent citizens of Arkansas. He was a member of Arkansas' first Constitutional Convention and at the beginning of the war was a wealthy planter. Nine children were born to the marriage, five daughters and two sons of whom survive. Colonel Cravens is always sensible of the large share contributed by his wife to his success. Although of frail and delicate constitution, she was a woman of indomitable spirit and heroically seconded the efforts of her husband in the severe struggle of their early

life, and at all stages her advice and sympathy proved invaluable to him. She was a woman of strong Christian faith, sincere and noble in all the relations of life, and her husband holds her memory in deepest reverence. She died July 7, 1891.

Colonel Cravens remained a widower until July 29, 1897, when he was married to Mrs. Marie E. Jacobs, of Kansas City, Missouri, who is well known in her former home as a woman of rare good sense and intelligence, and of devout Christian character. This union was the result of strong mutual affection and similarity of tastes, and is proving to be a very happy one.

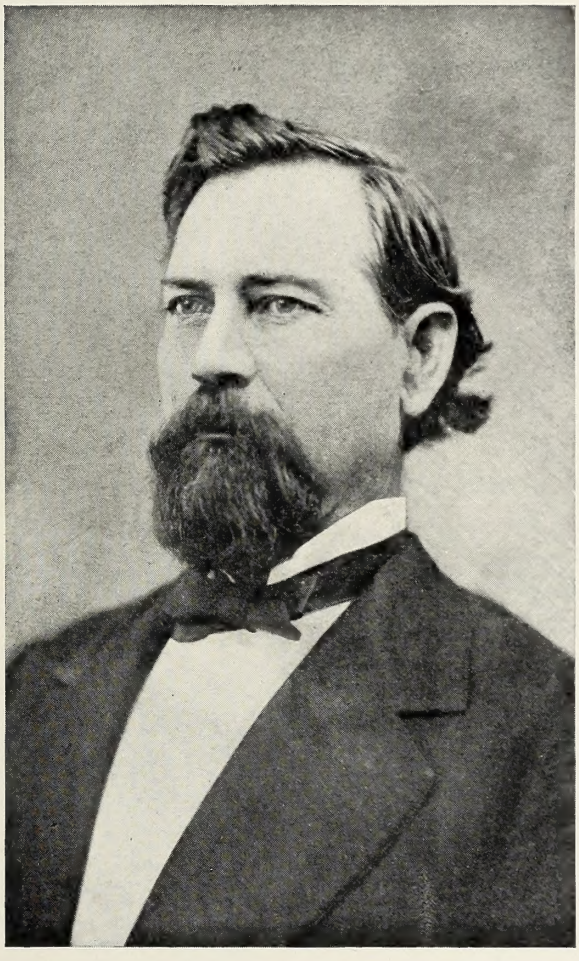
THOMAS W. B. CREWS,

SAINT LOUIS.

COLONEL THOMAS W. B. CREWS, of St. Louis, was born in Henry County, Virginia, March 16, 1832, and was the only child of Gideon Crews and Eliza (Bouldin) Crews. The Crews family is of English origin, but for many generations was resident of Virginia, where it was known as one of the most reputable and wealthy families of that section. Col. Thomas Crews moved with his father and mother, in 1846, to Howard County, Missouri, from which place he shortly afterward entered Jefferson College, Pennsylvania, where he passed through the collegiate course to the end of the junior year. Conceiving at this time a preference for Union College, New York, he presented himself for permission to enter the senior class at Union, and upon examination was admitted. He graduated at the latter institution the following year—1852, and immediately thereafter began the study of law under the preceptorship of Judge John C. Wright, of Schenectady, New York, and afterwards completed a course of legal reading under the Hon. William B. Napton, of Saline County, Missouri, late of the Supreme Bench of this State. In January, 1855, he began the practice of his profession in Marshall, Saline County, Missouri, which he continued up to the beginning of the late Civil War.

That contest interrupted his career just at the beginning, as it did that of many other men who rank foremost in the affairs of the State, and who learned the lessons of fortitude and the possibilities of their moral, mental and physical strength in the army. When the Civil War began he took the field in command of a company of Saline County volunteers, under Southern colors. His company was attached to the command of Gen. Monroe Parsons, and he subsequently participated in the battles of Boonville, Carthage, Wilson's Creek, Ft. Scott, Dry Wood and Lexington, at which latter place he was promoted to the rank of Lieutenant-Colonel of the Second Missouri Regiment of Cavalry, for gallantry on the field of battle. Some months later he was incapacitated for active service by illness, and while thus confined to his bed was captured and sent to St. Louis as a prisoner of war. He was soon, however, paroled, and bore the distinction of being the first paroled prisoner of the war in Missouri. He was required to report weekly at St. Louis, and made a temporary home in Franklin County, convenient to military headquarters, which county after the war became his permanent home.

In 1866 he began the practice of law again, in the City of St. Louis, maintaining his residence, however, in the County of Franklin adjoining. His legal practice became extensive, and until his death in 1891, he ranked among the ablest practitioners in both the State and Federal Courts. In the year 1872 he was solicited to become a candidate for the Dem-



T. W. B. Grems

ocratic nomination for Congress, and though had he been left to his own inclinations, he would have found in the law full and ample satisfaction of all ambition, he finally yielded to the solicitation of numerous friends, and permitted the use of his name. He failed to receive the nomination by a narrow margin, being opposed by the strong and popular Richard P. Bland, who was the successful man. In 1882, the State having been re-districted, he was again persuaded to enter the lists as a Congressional aspirant, but the Fates seemed to be against him, since he lost the nomination by one vote in the convention. Doubtless in both instances the result was for the best, as it left to devote his whole energies to the law, a man who was an ornament to the bar and of highest value to his profession. However, those who knew him best insist that had he entered public life he would have left a record that would have been an honor to his name and a source of pride to his State. In 1875, in recognition of his high character as a citizen and his accomplishments as a lawyer, he was sent by his people to represent them in the convention which formulated the present State Constitution, where his ideas were given due weight by his able colleagues in that august body.

In politics, as in private life, he maintained a character for strict and most inflexible integrity. As a speaker he was fluent and impassioned, and as a reasoner clear and coherent. In personal appearance he was agreeable and impressive, and in manners dignified and courteous. He was a very careful and systematic man in the preparation of his cases, and a staunch believer in the theory of thoroughness in all work. He was always genial, affable in his intercourse with his fellow-man, and was gifted with many rare qualities which endeared him to his kind. One of his strong characteristics was his intense love of nature, he believing that only by close communion and contact with her mysteries can man maintain the kindlier traits of his being unvitiated. While his calling took him into cities and crowded assemblages of men, he was always glad to escape to the country when his work was done. Therefore, notwithstanding that for years before his death he had a practice that took the most arduous labor to dispose of, he always maintained a residence in Franklin County, and spent all the time he could spare in the midst of its rural delights.

Shortly after he began practice (or in 1857), Colonel Crews was married to Miss Virginia Jeffries, daughter of C. S. Jeffries, one of the pioneers of Missouri who came to this State from Virginia. He was one of the early settlers of Franklin County, and for a number of years was an official of that county. Colonel Crews died in St. Louis, June 25, 1891, at the age of fifty-nine years. A family of six children survive their father.

EDWARD CUNNINGHAM, JR.,

SAINT LOUIS.

EDWARD CUNNINGHAM, JR., was born in Cumberland County, Virginia, August 21, 1841. His father, Edward Cunningham, and his mother (nee Catherine I. Miller) were of old central southern Virginia antecedents. The son's early education was obtained at the Virginia Military Institute at Lexington. At the age of nineteen he became a professor in that institution. In 1861 came the Civil War and in the institute the feeling was intense. Faculty and students felt the thrill of the time. In April, 1861, Mr. Cunningham left the school with the corps of cadets for a camp of military instruction at Richmond. The corps was

under the command of Col. Thomas J. Jackson, the Jackson immortalized later as General "Stonewall" Jackson. In May the subject of this sketch was assigned on the staff of Colonel Jackson, who was in command of the Northern Department of Virginia at Harper's Ferry. The State troops passing under the control of the Confederate military authorities in June, 1861, he was assigned to the staff of General Joseph E. Johnston, as Captain of Engineers in State service. In this capacity he was at Harper's Ferry, Winchester, and in other parts of Virginia until General Johnston's command was ordered to Manassas, when he was assigned to duty on the staff of Brigadier-General E. Kirby Smith. It was after Manassas that he took his commission of First Lieutenant of Artillery in the Regular Army of the Confederacy, and was assigned to duty at New Orleans, in the Department of the Gulf, under Gen. Mansfield Lovell.

A short time before the fall of New Orleans, he was detailed for duty on the staff of Gen. E. Kirby Smith at Knoxville, Tennessee. With General Smith he remained in Tennessee and Kentucky all through 1863, and when early in 1864, General Smith was assigned to command of the Trans-Mississippi Department, Lieutenant Cunningham continued on his staff aide-de-camp. On June 4, 1864, he was commissioned Major of Artillery, and from that time served as Chief of Artillery of the Trans-Mississippi Department until the surrender at Shreveport, June 7, 1865.

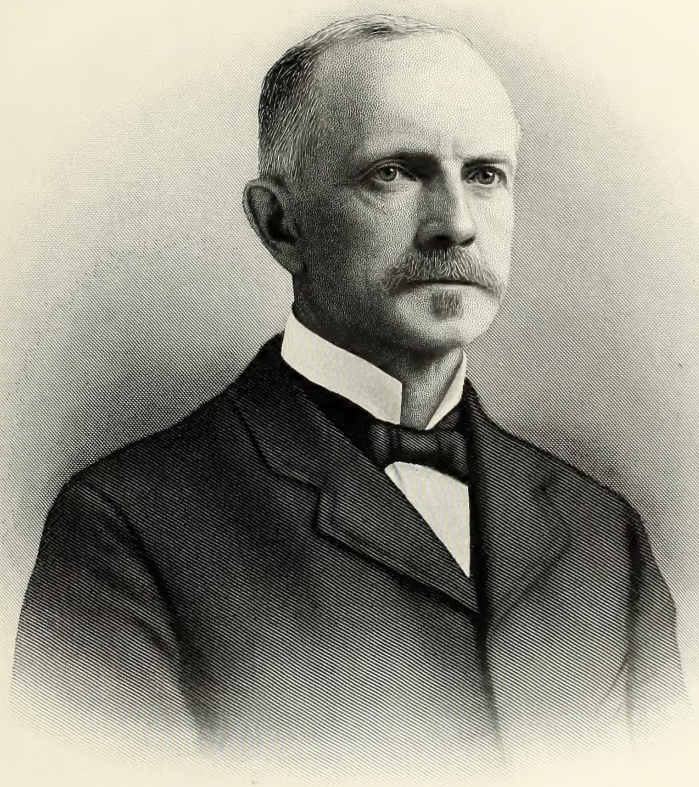
The war over, he returned to Virginia and resumed teaching, acting as instructor in Norwood School, Nelson County, and in the Belleville High School. In 1868 he was teacher at the Western Military Academy at Newcastle, Kentucky, of which his former commander, General Smith, was principal. In 1870 he became a professor in the Louisiana State University, at Baton Rouge. He had meanwhile read law, at first with Hon. James P. Holcombe, who at that time was the principal of the Belleville High School, after which he continued his studies alone. In 1873 he came to St. Louis and began the practice of law. In 1876 he married Miss Cornelia Thornton.

Mr. Cunningham has all the old style grace and sincerity, combined with a thorough familiarity with law as it develops and expands to meet new conditions, and he ranks as one of those whose merits are more appreciable to his client than impressive to the multitude who like the theatric. Mr. Cunningham has a good citizen's interest in politics, believing that politics should represent the best there is in the community. While he is a party man, he does not carry his partisan devotion near the point of absolute surrender to the machine. He has never held office, but took a conspicuous, though unselfish part in the campaign of 1896, in which he acted as Chairman of the Missouri Central Committee of the National Democratic party in that memorable campaign, and distinguished himself by impressing his purposes and methods upon the organization of Democrats who opposed the candidacy of Mr. Bryan.

JOHN D. DALE,

SHELBYVILLE.

DURING the last twenty-five years the bar of Shelby County has grown in strength and influence, but some of the older members have passed away and young men have arisen to take the vacant places. These promise to maintain the good reputation acquired by the county, and among them none is better qualified to do this than John D. Dale, who has had eight years of practice, and in that brief period has acquired a good business. He



Edw. Cunningham Jr.

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is a man of pleasing manners and is a ready, and sometimes eloquent speaker, possessing many of the elements of a natural orator. So successful has he been that he needed a partner, and has consequently associated with himself H. B. Shaw, who studied law some years ago with Judge James Ellison, but had never practiced much until last year — 1897.

Isaac Dale, the father of John D., was a native of Maryland, married there Miss Margaret Dennis, came to Shelby County, Missouri, in 1854, and settled on a farm near Shelbyville, and there this young lawyer first saw the light of day in September, 1858. He was raised in the little town of Clarence, in the county above named, and was there educated in the common schools, taking, however, a little finish at the Methodist Academy in Shelbyville. He spent a short time with his brother, R. E. Dale, in Las Vegas, New Mexico, but returned, and when barely of age was chosen Constable of the township, and then in 1882, still very young, was elected Clerk of the Circuit Court, which position he held for eight years. Having studied law while in this office, he was admitted to the bar by Judge Thomas H. Bacon, and immediately opened an office in Shelbyville, and struck boldly out in the practice in competition with the older members of the profession, and has succeeded.

May 14, 1883, he married Miss Mary E., the accomplished daughter of Dr. A. G. Priest, of Shelbyville. Mr. Dale is a Mason, an Odd Fellow and a Methodist, and is a very sociable and companionable man.

ALEXANDER DAVIS,

SAINT LOUIS.

THE family of which Alexander Davis, of St. Louis, is a descendant, was planted in America by seven brothers, who came to this country about 1700. They settled at widely separated points along the Atlantic seaboard, one choosing Massachusetts, another Maryland, others Virginia and the Carolinas. Of the Maryland branch of the family is descended the subject of this sketch. Seven seems to have been a cabalistic number in the Davis family, as Nicholas Davis, the grandfather of Alexander, was one of seven brothers who entered the service of the Colonies and waged valiant warfare for human liberty, one of the seven rising to the rank of Captain.

About 1800 Nicholas Davis with his family moved to Kentucky. With him went one of his sons, George N. Davis, who afterward rose to a position of prominence in that section of Kentucky and was Sheriff of Carter County, that State, for twenty-eight years — a period of service which shows the singular hold he had on the confidence of his people. He married Harriet Bragg, and they reared a large family.

Alexander Davis, his son, was born in Carter County, Kentucky, February 28, 1832. He was the youngest of eleven children, all of whom inherited in greater or less degree the Davis vigor, courage, aggressiveness and mental and physical strength. Alfred, the eldest brother of Mr. Davis, was a Brigadier General under Lee, and was appointed by President Jackson, Attorney General of Arkansas, while it was yet a Territory, while another brother, James W., was a Colonel in the Confederate Army and is now a practicing attorney in Greenbrier County, West Virginia. Alexander Davis received his preliminary educational training in the common schools and at Bethany College, Pennsylvania. Then he entered Jefferson College (now Washington and Jefferson College), in the same State, and completed his education.

When Judge Davis was a youth of eighteen, he came West and located at St. Joseph, Missouri. There he carried out his resolution to become a lawyer, being fortunate in selecting for his preceptor, Hon. Henry M. Vories, afterward Supreme Judge of the State. In his office he completed his term of study and was admitted to the bar at St. Joseph in 1853.

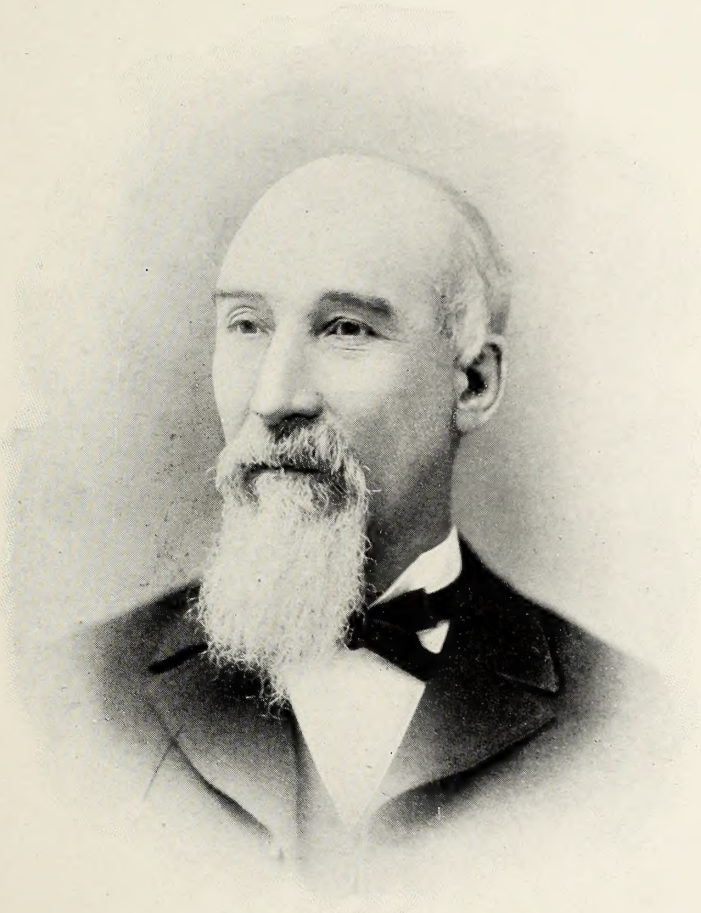
The rapidity with which he rose in his new home, demonstrated that the mettle and capacity of the young man fitted him for a successful career. In the year of his admission to the bar he was elected Prosecuting Attorney of Buchanan County and served as such until 1857. In 1856 he was elected to represent that county in the Legislature, and in that body soon succeeded in impressing his forceful individuality on his colleagues. His course therein was characterized by an honesty, fearlessness and devotion to his constituency that attracted more than ordinary attention.

In the differences that precipitated the war, he was an intense Southern sympathizer, and in the first year of the contest enlisted in the Confederate Army, and rose to the position of ranking Colonel in Stein's Division of Price's Army. He was young and daring and as a result he was captured in 1862, together with his comrade, the late Thomas Thoroughman, of St. Louis. After spending some time in prison, they were paroled by Governor Hall on their word of honor that they would go to one of the Territories and remain there until after the war. They chose Montana Territory.

Judge Davis at once entered upon practice in that new country, and rose to a position of influence. A number of the orderly citizens of Virginia City, following the example of other mining camps, began the organization of a vigilance committee. They solicited Judge Davis to become a member, who told the leaders that he was opposed to mob law and refused to join. Owing to the influence of other citizens who thought a vigilance committee only a little less lawless than the law-breakers it punished, a "people's court" was organized, and young Davis was elected its Judge. This court tried many cases, and it is a notable fact that those cases which were appealed to the regular courts after the Territory was organized, were sustained without exception, which in a marked manner showed the judicial acumen of the young Judge who presided over that informal court. Judge Davis remained in Montana until 1869, and was in the convention which organized the Territory, and when the question arose in that body as to whether the code or common law pleading should govern the courts of that Territory, he led the forces of those favoring code pleading, and to this day the rules of pleading favored by him still obtain in that State. In the year last named he returned to Missouri, settled in St. Louis, and practiced there successfully as a partner of his old comrade, Thomas Thoroughman, until 1879, when he retired on account of ill health.

Judge Davis was a splendid trial lawyer, and yet his chief strength lay in the careful preparation of his cases. He was modest and rather reserved, but when once "drawn out" his was a most sociable and magnetic personality. He died in St. Louis, February 14, 1896.

Judge Davis was married at Jefferson City to Mary C., daughter of Dr. John H. Edwards, a prominent physician of Cole County, Missouri. To this marriage was born one child, a son, named James C., who is now a practicing attorney of St. Joseph. Mrs. Davis died in 1863, and on March 21, 1867, Judge Davis was married at Jefferson City, to Miss Alice Edwards, a sister of his first wife. Of this union three children survive: Sidney Edwards Davis, a resident of St. Louis and a lawyer who promises to achieve exceptional



Alex. Dans

success in his profession; Walter Naylor Davis, now a student of Vanderbilt University, Nashville, Tennessee; and Harriet Davis, a school girl. Mrs. Alice E. Davis survives her husband.

The following estimate of Judge Davis' character, as well as a few incidents of his career, is contributed on the solicitation of the editor by Hon. Phil E. Chappell, a leading retired capitalist and banker of Kansas City, and at one time (from 1881 to 1885) State Treasurer of Missouri. The contribution follows:

"The most noteworthy traits in the character of Judge Alexander Davis were his personal courage and his rugged honesty. He was unflinching in his adherence to principle and what he believed to be right, and it mattered not whose frown came, or what the result might be, he was always found standing firmly at the post of duty. He was a plain, unassuming man of the people, almost child-like in his simplicity and utterly indifferent to appearance and the plaudits of the world. He never sought popularity by sacrificing principle, but was found always on the side of the weak against the strong. A brave, strong man, unassuming; a zealous Christian; he did his duty as he saw it and came fully up to the standard of a true man in all the relations of life. Whether at the head of his regiment, leading a charge — for he was a Colonel in the Confederate Army — or on the bench of a frontier Territory, enforcing the law, he was always the same honest, true, brave man. As a lawyer, Judge Davis was never distinguished for his eloquence, for he was a man of few words. But he was a close student, a good business man, and his many sterling qualities brought him success in his profession as long as he continued at the bar.

"Mark Twain, in his account of the trial of the outlaw, Slade, given in his 'Roughing It,' has paid a just tribute to the courage of Judge Davis and his devotion to duty. The scene occurred in Montana when Slade was tried before Judge Davis for murder. The accused — one of the most noted desperadoes of that wild country — endeavored, with his followers, to intimidate the Judge and actually drew their pistols in court and placing their muzzles near his head threatened instant death. The writer says: 'The Judge stood perfectly quiet, kept cool and refused to be intimidated,' and adds: 'Slade afterward apologized for his conduct, saying he would take it all back.'

"The simplicity of the character of Judge Davis, and his devotion to his family, are well illustrated by the following incident which took place while he was on the bench in Montana. He had married but a short time before leaving Missouri, during the war, and his young wife, whose only child was then an infant, was an invalid. She was far from home and friends — among strangers — and a servant was not to be had for love or money. Under these circumstances, and to relieve his sick wife, it was the daily custom of the Judge, in holding court, to take the child with him in his arms to the court room, and there, after laying it on a pillow in a rocking chair by his side, to rest one hand on the improvised cradle while he administered stern justice to the wild and lawless crowd around him."

THOMAS JEFFERSON DELANEY,

SPRINGFIELD.

AS his name signifies, Thomas Jefferson Delaney, of Springfield, is of Irish descent. He was born at New Orleans, Louisiana, May 10, 1859, and is the son of James and Alice (Mahon) Delaney. Both parents were natives of Ireland, the father of County Cork, the mother of West Meath. They reached New York when quite young, there met and

were married, and in 1858 moved to New Orleans, Louisiana. A few years later the father entered the Confederate Army and was killed at the second battle of Corinth. His widow still survives and is yet living at New Orleans.

Thomas Delaney was educated at St. Mary's Academy, New Orleans. He left the academic school when fifteen years old, to strike out in the world to make his own living. He came from New Orleans to Missouri and secured employment in the machine shops of the old Atlantic & Pacific, now the St. Louis & San Francisco Railway. He was not afraid of work, and when age gave him strength, he secured a job as fireman on that road. From that he was promoted to a clerkship and later was again promoted, being given charge of the store department. As soon as he had saved some money he left the road to take up the study of law, in October, 1878, entering the St. Louis Law School. When vacation came, he returned to his old position on the road, and fired an engine until he had saved enough money to continue his schooling. It was thus that he made his way through the Law School, graduating with first honors in June, 1880. He was ambitious to finish his studies in time to be admitted to the bar on his twenty-first birthday, and in this he was successful, passing his examination and being licensed on May 10, 1880, before Judge Lindley at St. Louis. In the following October he formed a business connection with Britton A. Hill, which was continued to June, 1881, when failing health, caused by his close application to books, induced him to seek a change. For this reason he located at Springfield, believing the more mountainous topography of that section would be beneficial. In this belief he was not disappointed, and soon after opening an office there began to do a good practice which has yearly increased in volume since then.

In 1882 Mr. Delaney was elected City Attorney of Springfield, and on the expiration of his term he was elected his own successor. The duties of this office were discharged with such fidelity, that during his second term, in September, 1883, he was appointed Prosecuting Attorney of Greene County by Governor Crittenden and declined a nomination, retiring January, 1885. In 1888 he was appointed Assistant United States Attorney, and tendered his resignation when President Harrison was inaugurated, but the same was withheld by District Attorney Kimball for some time.

Mr. Delaney is a Democrat, and through that genius which nearly always makes the good lawyer an expert politician, he has in more than one campaign shown his capacity as a political fighter. In all the councils of Democracy in that section of the State for several years his voice has been heard, and from 1890 to 1894 he was a member of the State Democratic Committee. In all affairs of a local civic nature he is patriotic and public spirited and is found always ready to give generously of his time and money to such enterprises. His practice includes every department of law, but it is, perhaps, as a criminal lawyer that he is best known to the public. He has appeared as counsel in all the important criminal cases that have come before the courts of Greene or surrounding counties in a number of years. It is to his credit that of all the murder cases he has tried, he has never had but one go before the Supreme Court. That exception was the case of the celebrated Bald Knobbers, tried in 1889. Like nearly all people of his antecedents, education and environments he is ready of wit and eloquent of tongue. As a pleader he is persuasive, convincing, argumentative, pathetic and insistent by turns, and his ability to understand and properly estimate the jury he has before him is no inconsiderable factor of his success.



T. J. Delaney

Mr. Delaney married, December 29, 1880, Cordie Boyd, daughter of Hon. S. H. Boyd, of Springfield. The union has been blessed by two boys, one of whom, a lad now fifteen, named James Boyd Delaney, survives.

VERNON LYELL DRAIN,

SHELBYVILLE.

PERHAPS it is to an aptitude for constant study and continual desire for knowledge that Vernon Lyell Drain can attribute the success he has achieved in the legal profession. Still it is possible that, like many of the leading lawyers of Missouri, his Scotch and Irish ancestry is partly responsible for the strenuous pertinacity which he brings to his daily legal tasks.

He was born on a farm near Shelbyville, Missouri, January 21, 1864, his father, Stanford Drain, being by birth a Delawarean, the son of Shepherd Drain, of Scotch descent. His mother, whose maiden name was Mary Lyell, was a daughter of John Lyell, who, having Irish blood in his veins, was a native of Westmoreland County, Virginia. They were married in Marion County, Missouri, in 1858, whither they had emigrated from the East when the century was yet young.

After a fair education in the common schools of Shelby County, Missouri, and the High School at Shelbyville, Vernon read law in the office of Hon. James T. Lloyd at Shelbyville, after which he was admitted to the bar in 1890 by Judge Thomas H. Bacon in the Shelbyville Circuit Court. He immediately began the practice of law in the same town, and Shelbyville is still the scene of his toils. He has never had any partnerships, preferring to depend upon his individual ability in the conduct of his business.

Although not caring for office, he has been induced by his fellow-citizens to accept two of a legal kind. As City Attorney of Shelbyville in 1890 he made the best of records, and in 1892 was elected Prosecuting Attorney of Shelby County, being re-elected to that position in 1894. On January 1, 1897, he retired and resumed the private practice of the law, which has always been more to his taste.

Mr. Drain depends for his success rather on a capacity to convince by forcefulness of argument and directness of speech, than on ornate rhetorical flourishes, and appeals to sentiment. He is one of the most studious of barristers, and one of the most industrious and careful advocates, allowing no opportunity to escape which he could make advantageous to the cause of his client. Therefore it might be said that he is successful solely through his capacity for attending closely to the business he has in hand, whether it be one case or several. Not yet as close to forty as his talents would seem to indicate, he has accomplished much that is remarkable in the jurisprudence of his section, and promises to accomplish much more as he nears the half-century milestone in life.

He is one of the foremost Odd Fellows of Shelby County, having been Noble Grand of the local lodge, and representing the same lodge at the convocation of the Grand Lodge of Missouri, an unusual honor. Of course, like all good citizens, he has a political preference, being a Democrat, and one of the most active in his part of the State. He has no aspirations toward political preferment, finding ample employment in attending to his legal business, but he always has an open ear for the calls of his party, and is never dilatory in acting accordingly, being found at the front on all such occasions, prepared orally to contend with every opponent.

The wife of Mr. Drain came from Nodaway County, being a native of Maryville, and their marriage was consummated February 17, 1892. She is the daughter of George W. Turner, one of the most prominent merchants of Maryville, and before her wedding she was one of the popular young ladies of that section. One child is the result of this union, a boy, Benjamin Stanford Drain, who is a little more than one year old.

NAT CRAIG DRYDEN,

By A. J. D. STEWART.

IF there be one in the history of this commonwealth who deserves the glorifying title of genius, and who should thereby merit a deeply graven epitaph on Time's monument, that meed of fame and of remembrance is surely the due of Nat C. Dryden; for he was one of those rare ones who "stood upon the heights," and was gifted with that clarity of vision to see and know things that are of other men unseen. He was one who received a spark of that Promethean fire, the divine gift that made him akin to gods. That the heavenly flame was frequently obscured by faults and frailties is true; that it was so, but served to show his humanity. The light brought from the gods to earth must, perforce, be set in a lamp of clay, and the coarseness of the vessel and its faults must of a verity be the more strikingly exposed by the vivid white light that burns above it. Dryden was indeed a wonderful man — how wonderful few understood. More might have known of his remarkable gifts had Ambition spurred him, but that may have made him less forgetful of self, and might have hardened into inharmonious rigidity those finer chords of his being so responsive to the better and the higher things of life.

Though scarcely forty-seven when he died at St. John's Hospital, St. Louis, on the afternoon of August 26, 1896, he had won, seemingly with little striving on his part, a place among the two or three really great criminal lawyers of the State. He was without a peer in the conduct of a case, and he moved court and jury at will by his splendid eloquence. During the last few years of his life he was engaged in a number of celebrated cases, which gave full play to his genius and which served to add largely to a general knowledge of his great powers. One of these was the Vail case and another that of Duestrow. He also defended the son of Judge Wear for murder, and Dr. Hearne on the same charge at Bowling Green, his plea in the latter surprising even his friends who knew him best.

The salient points of his career may be summarized as follows: Born at Palmyra, Missouri, in 1849, he was the son of Judge J. D. S. Dryden, Judge of the Supreme Court of Missouri and an able man. He came to St. Louis in 1865, graduated from the High School a year later, graduated from Washington University in 1870, standing first in a large class. Prior to this he had studied law in his father's office and was admitted in 1869. He took a course at Amherst and returning to Missouri began practice. Mr. Dryden was a citizen of Missouri. Any one of three or four addresses were his, and he once jokingly said that he frequently lived in three or four places at once, when he was not living in the country and staying in St. Louis. Almost anywhere in the eastern part of the State he was at home, knew everybody and everybody welcomed him.

Early in his career he married Nannie C. Pulliam, of Warren County, and for a time he made his home at Warrenton. He was elected Prosecuting Attorney and earned the

distinction of convicting the first white man ever punished for killing a negro in Missouri. About 1874 he moved to the adjoining county of Lincoln, was twice elected Prosecuting Attorney there and refused a third term. In 1880 he began to be known in the larger field of State politics, being in that year a delegate to the National Convention which nominated Hancock for President. In 1884 he was one of the State's Presidential Electors; four years later he received a signal honor at the hands of his party, being made one of the four State delegates at large to the National Convention. At that Convention, which named Cleveland and Thurman as the bearers of Democracy's standard, Mr. Dryden was chosen to place the "Old Roman" in nomination, and did it with an eloquence long remembered by the thousands present. In the campaign of 1892 he did not take an active part, but in that of 1896 he was talked of for Congressman and his eloquence and ability would, beyond doubt, have had a strong bearing on that heated contest, but for his untimely death, which occurred at the beginning of the campaign.

Mr. Dryden's first wife strongly influenced his life. He loved her with a passion of which only a strong nature like his was capable, and he never ceased to grieve over her death. She left him four daughters, who are now beautiful and accomplished young ladies. In 1895 Mr. Dryden married Alma Henning, whom he first met as a client, and who survives him.

The dry details of his career are matters of comparatively small consequence; the man himself, his peculiarities, his characteristics, his strength and his weaknesses, comprise the subject of supreme interest; and his individuality becomes more interesting when it is understood that much of himself, the higher and stronger attributes of his nature, never found expression in fullest measure in the acts and events of his career. That any reference should be made to his faults and weaknesses, may be deemed ill-advised by some, but this purports to be a true estimate of himself as the writer saw him, and without these defects of character he would not be Nat C. Dryden, and we should have loved him less. Of a highly attuned nervous organization, of sunny and genial temperament, a lover of the softer and more luxurious things of life, with social instincts highly developed, it is not strange that his peculiar nature should have led him to excesses of conviviality. But he transgressed only against himself, and even in his sinning there was no trace of the coarse and brutal. Such errors on his part doubtless lessened his value to his fellow-man, but the heroic struggles he made against his unfortunate habits, broadened and developed him; he suffered, and without pain no life may reach its completeness. Such battles as he fought to achieve mastery over self were such as men of smaller and restricted range of feeling, emotion and capacity can not understand. Nor was it a warfare without victories, and when he was triumphant the world was given a glimpse of his superb powers.

One of his characteristics was his extreme earnestness when conducting a case. Such was the depth of his feeling and sympathy, that the accused's own mother could not have been more sensitive to his client's danger than was the attorney. Merry and light-spirited at most other times, while defending a man for his life, a half glance would reveal his solemn earnestness. He seldom gave play even to his scintillant wit on such occasions, for he charged himself with the solemn obligation of saving a human life, and with one or two exceptions, he always did it. He was not a successful prosecutor, for his sympathies were too tender, and thus it was, in later years, that he seldom appeared elsewhere than on the side of the defense. He really convinced himself of his client's innocence, for trouble or sorrow never failed to touch his heart, and the heart thus convinced, led the mind.

His appearance alone would impress any audience. Of strong and heavy build, of great and leonine head, a resemblance increased by the thick curling locks like the mane of the "king of the desert," he was calculated to impress men no less than the lion impresses the balance of the brute kingdom. His strong features and his magnificent voice, which from a veritable roar of denunciation could traverse the phonal scale to words of wistful pleading, "soft as the lute-note of Andalusian lover," further deepened the likeness. When he arose to address a jury, it needed no telling to convince it of the fact that here at least was one man who believed absolutely in the innocence of the accused. They saw it. When he had made his magnificent plea, deftly touching every chord of the human heart and brain, appealing, by turns, to the common sense, the justice, humanity, generosity, sympathy, feeling and vanity of the men before him, they also felt it, and it was seldom that his intense earnestness and eloquence did not win them, whether it were possible to convince them or not.

The nature of Nat C. Dryden was dual. The "eternal feminine" was a marked element of his nature, as it has been the balancing factor in all the men who have been given to see and to know that which to the multitude is dark, in all the ages that have passed. In his physical being he was every inch the man, of manly build and voice and manner, strong, vigorous and with a personal courage that feared nothing, he yet had the heart and many of the instincts of the woman. Of powerful intellectual grasp and a convincing reasoner, yet his feelings and sympathies largely governed his life. He knew the defects of humanity and was in fact a man of the world, but his credulity was altogether feminine. He was loth to believe ill of anyone, and a thousand years of contact with the world could have made him neither skeptic or cynic. His faith in most things was that of a child, and the experiences of the man never seemed to cause its freshness to fade. The music, lights and ceremonial of the Catholic faith appealed to his senses and he became a communicant of that faith, for though a man of superb mind he was swayed by the senses. Here again is to be noted the triumph of the feminine part of himself, for he was reared in a creed more cold and rigid.

He had the rarest possible vein of humor, and was most sensitive to the absurd and ridiculous in life. When he presided over the "Third House" at Jefferson City, its proceedings almost eclipsed the transactions of both the other staid and sober bodies. He could relate stories hour after hour, in a way that was inimitable, and he always joined in the laugh, but the laughter was no unseemly applause of his own merits as a raconteur, but was excited solely by the humor of the situation he related. His humor was essentially masculine, but he could shed tears like a woman over the death of a friend. His splendid fidelity and friendship were truly Pythian and virile, but the disposition to act by instinct sprung from the other side of his nature. Like all beings of highly developed and finely attuned nervous organizations, his range of feeling was great. He could enjoy fully and suffer intensely. His spirits often fell from the highest level of happiness to a profound depth of melancholy. Such a nature as this, either in its higher degree of elation or its moments of great disgust with all things, is peculiarly subject to temptations. Who is he, then, who condemns for such errors, but understands not?

Mr. Dryden's nature was inherently chivalrous; he was reckless of all consequences at times and would have been the most admirable of that band of knights who sat at Arthur's "Round Table" had he lived in that day. He was a lover of sunshine, softness, light, luxury, and all the good things of life. He was essentially a poet, and the finer and softer

elements of existence appealed to him. He was a lover of all the writers of verse, and his remarkably retentive memory enabled him to repeat, when he chose, hundreds of lines from their works. The best trait of his character was his broad and all-inclusive unselfishness. Though he was sensible of his own powers, he was not an egotist. Had he been possessed of greater self-love he might have achieved a wider fame. There was not a sordid streak in his soul. He was generous to a fault, and would divide his money with any who appealed to him in distress, though he may have suspected the unworthiness of the applicant.

It is not possible in this space to give other than an imperfect sketch of this splendid character. It may appear eulogistic in places, but account of his shortcomings has been taken, and in his stronger and better self, if any man was deserving of admiration and praise that man was Nat C. Dryden. When his death was announced the sorrow of thousands in St. Louis was poignant and sincere. It is doubtful whether the death of any other person in that city could have so shocked men, who had no other interest in him except that they loved him. In some quarters where the possession of money is the supreme test of success, his life may have been considered a failure, for he was an idealist and a dreamer, and believed there were things in life worthy and admirable outside of cold cash. He made much money, but he could not keep it, and while his life may have fallen short of success in the ability to accumulate worldly goods, to have been Nat C. Dryden and to have lived the forty-seven years of his life, were worth more to the world and to self, than a thousand years of narrow, sordid existence with ignoble coin as its sole desire.

DAVID HENRY EBY,

HANNIBAL.

ONE whose reputation as an accomplished lawyer has been earned and is fully merited, is David Henry Eby, of Hannibal, who is a native of the city in which his life work has been laid. Born on the last day of the year 1852, on a farm which was then in the suburbs of Hannibal, but is now a part of the city itself, he has seen the place of his nativity develop from a little river village to one of the most important second-class cities of the State, and has grown and expanded with it.

Mr. Eby's ancestors came from points farther north than did those of most of the people who inhabit that part of the State, as through the paternal branch of his house he can trace his origin back to New York and through New York, more remotely, to Canada. Joseph Eby, the grandfather of David H., was of French-German blood. From the Dominon he went to New York State and married a Miss Hershey, a native of Pennsylvania, who bore him ten children. One of his sons, David S., the father of our subject, was born near Westfield, New York, and as a boy came West with his father, when he with his family left New York to settle near Rock Island, Illinois.

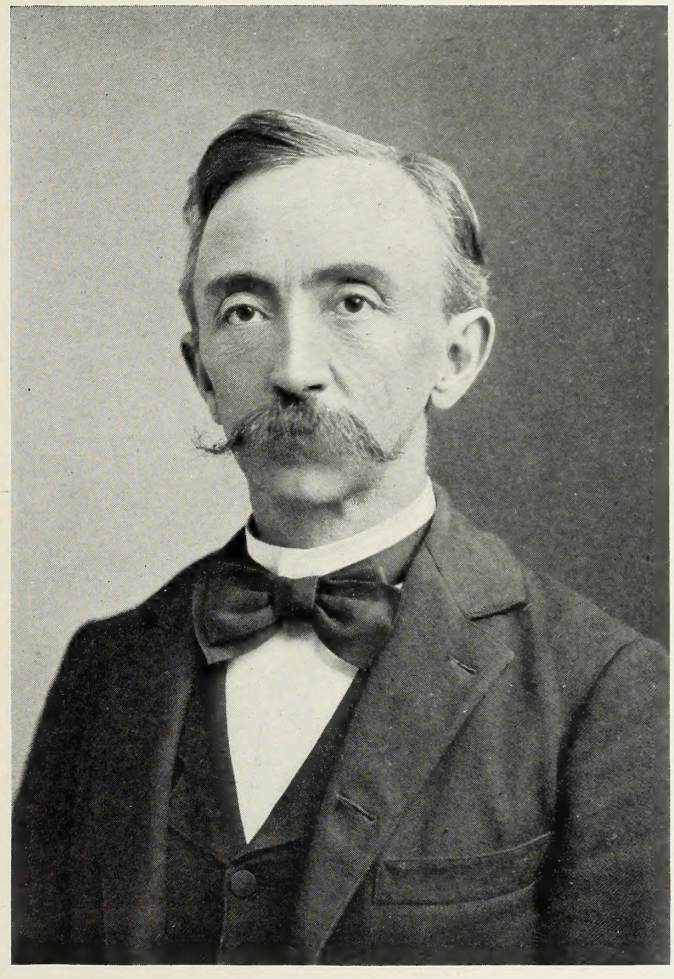
David S. Eby, the father, left home before he had attained his majority, to enter a store in St. Louis. From that city he went to Hannibal some time between 1840–4, where in course of time he became one of the leading business men of that city, engaging at different times in the mercantile, real estate and insurance business. At Hannibal, in 1844, he married Mary C. Williams, a native of Virginia, who died in 1858, having borne her husband seven children. Of these but two now survive: Mary V., the wife of Warren E. Payne, and the subject of this memoir. About 1870 the elder Eby moved to a farm in

Ralls County and later, after a short residence in Colorado and again in Hannibal, removed to St. Joseph, where he died in 1891, being at that time engaged in the real estate and insurance business.

David H. Eby was given a good education, the foundation of which was laid in the public schools of Hannibal. He next entered Central College at Fayette, Missouri, where he completed his course and received his degree as Bachelor of Science, as a member of the class of 1872. After communing earnestly with himself and asking the advice of his father and friends, he decided to adopt the profession to which he has since been an ornament. Being scarcely ready to enter on the work of preparation when he completed his literary education, he accepted a position which was offered him as assistant teacher in the Plattsburg High School. A year later he entered the law department of the State University at Columbia, and owing to the fact that he had prosecuted his studies in law at odd times for two or three years, he was enabled to complete both the junior and senior courses in one year and graduate with the degree of Bachelor of Laws in 1874. He returned to his native town and was admitted to the bar by Judge John T. Redd, and in 1874 opened an office for practice. Compelled to suffer the trial of patience that is peculiar to the beginning of most young lawyers, Mr. Eby after three years practice at Hannibal concluded to change the scene of his labors to new and developing Colorado. On locating at Colorado Springs, he found that school teaching in a time and place where good teachers were scarce and commanded good salary, was likely to prove more remunerative than the law, he accordingly resumed the calling he followed immediately on completing his college course. During his two years' residence in Colorado he was successively teacher, clerk in a hotel, manager of a general store, school director and Justice of the Peace, acquiring a fund of experience while there that has been of value to him since. In the fall of 1877 he came back to Missouri and settled down to the practice of his profession at Hannibal, where he has been very successful.

Like most men of well defined convictions and robust mental constitution, Mr. Eby has always felt a deep interest in all affairs of a public nature. He is a Democrat in politics, and is one of Hannibal's most able champions of that party. He has been honored frequently with public position by his fellow-townsmen, and in every instance has acquitted himself of the trust reposed in him in a manner to win the still more complete confidence of his constituents. For almost a decade he was an official of Hannibal, and during that time took advantage of the opportunity to thoroughly familiarize himself with the modus operandi of corporations and the laws relating thereto, with the result that his knowledge of municipal law is most inclusive and accurate. Mr. Eby held his first office in 1881, when he was elected City Recorder. In so far did he popularize himself with the people that he was twice re elected his own successor. In 1884 he was elected City Attorney, and also held that office three terms. Then after an intermission of three years he was again elected to the last named office and on the expiration of that term was again re-elected, and has served the city in that capacity altogether five terms. In 1892 his practice had grown to the proportions where he considered it wise to decline further municipal office and he has since then devoted himself wholly to his profession; but there are people who say that his public career is only begun, and that higher rewards await him in the political field should he conclude to direct his energies in that direction.

Mr. Eby is agreeable in manner and of attractive personality. He is very popular with the people of Northeast Missouri, and does not himself know the full extent of the public



W. H. Eby

regard, as his influence has never been tested fully at the polls. As a lawyer he is careful and painstaking, has a considerable gift of oratory and is an impressive speaker. His practice is both civil and criminal.

In 1880 Mr. Eby was united in marriage to Sarah E., daughter of Benjamin F. and Emily (Gilman) Eby. The union has been blessed with four interesting children, named respectively, Jeannie G., Hattie F., Notley F. and Elizabeth B.

HENRY LITTLETON EDMUNDS,

SAINT LOUIS.

JUDGE HENRY LITTLETON EDMUNDS, yet a young man, but notable as one of the learned jurists of the St. Louis bar, comes of one of the best families of the Old Dominion; a family active in the development of Virginia both as Colony and State. His father was Sterling Edwin Edmunds, and his mother (born Mary Jane Claiborne), was a lineal descendant of William Claiborne, Secretary of the Commonwealth of Virginia and Treasurer for life. She was likewise a lineal descendant of John West, Governor of Virginia from 1635 to 1637.

Judge Edmunds' father, Sterling Edwin Edmunds, was the son of a mother who was the daughter of Col. William Morton, of Charlotte County, Virginia, who was a member of the Committee of Safety for that county in the troublous times between 1776 and 1777. He (Sterling Edwin Edmunds) was the grandson of Capt. Thomas Edmunds, of the Revolutionary Army, 1776–1781; the mother of Capt. Thomas Edmunds was Martha Eldridge, daughter of Thomas Eldridge and Martha Bolling; Martha Bolling was the daughter of John Bolling, the son of Robert Bolling and Jane Rolfe; the latter was a daughter of Thomas Rolfe, who was the son of John Rolfe and Pocahontas, the Indian Princess. Thus can Judge Edmunds trace his relationship to the savior of Capt. John Smith in distinct and unbroken line.

Judge Edmunds was born April 2, 1853, at "Birchland," the ancestral residence, situated in Halifax County, Virginia, lying centrally on the southern line of the State. Receiving his elemental schooling at a private school near his home, he at fifteen entered Belleview High School, near Lynchburg, and then in the fall of 1869 became a student of the University of Virginia. Taking the academic course, he entered the Law Department of the University and in 1873 graduated. Shortly after he had passed his twentieth year he was admitted to practice at Halifax Court House, in July, 1873, and began practice in his native county. He remained there less than a year, as in May of 1874 he came to St. Louis, being induced to take this step by Col. N. C. Claiborne, a near and dear relative of the young lawyer's mother. Col. N. C. Claiborne was a brother of Col. Bob Claiborne, also of St. Louis, and who will be remembered by many Missourians as one of the brilliant members of that bar. In the month following his settlement in St. Louis the young Virginian was admitted to practice in the Missouri courts by Judge William B. Napton of the Supreme Court.

In November, 1892, Judge Edmunds was elected Judge of the St. Louis Criminal Court for a term of four years, his term expiring January 3, 1897. In November, 1896, he was a candidate for Judge of the Circuit Court of St. Louis for the six years' term, but was defeated, as was likewise the entire Democratic ticket. His popularity and the high esteem

in which he is held by the people were shown by this vote. He received the most votes of any man on his ticket, running about 15,000 ahead of the National ticket and only failing of election by a small margin. His magnetic personality was to some extent responsible for this most flattering testimonial of the good will of the people, but the more important reason which determined for him the minds of many suffragans at the polling places was his splendid record on the bench. No man who ever sat thereon left it with a fairer or more unblemished record. Not only was his official career characterized by integrity in its highest conception, but he brought to the administration of this responsible office a high order of ability, and displayed an exceptional fitness in the discharge of its peculiar duties. It is to be noted that while his capability as a practitioner is testified by his success as such, it was in the greater office of a Judge that his talents were most conspicuous. His learning is unquestioned; he is a reasoner and a thinker, and his peculiar judicial faculty enabled him as Judge to weigh questions presented to his consideration, as nearly without prejudice or bias as may be possible to human nature. Therefore, he was the representative of Justice in fact, being blind to every consideration that did not enter legitimately into the case. His judicial qualifications were brought prominently to the front in such cases as that of Kaiser and Henze, Fitzgerald and Thompson, tried for capital offenses; the French arson trial and the Balch robbery case, all of which were tried before him.

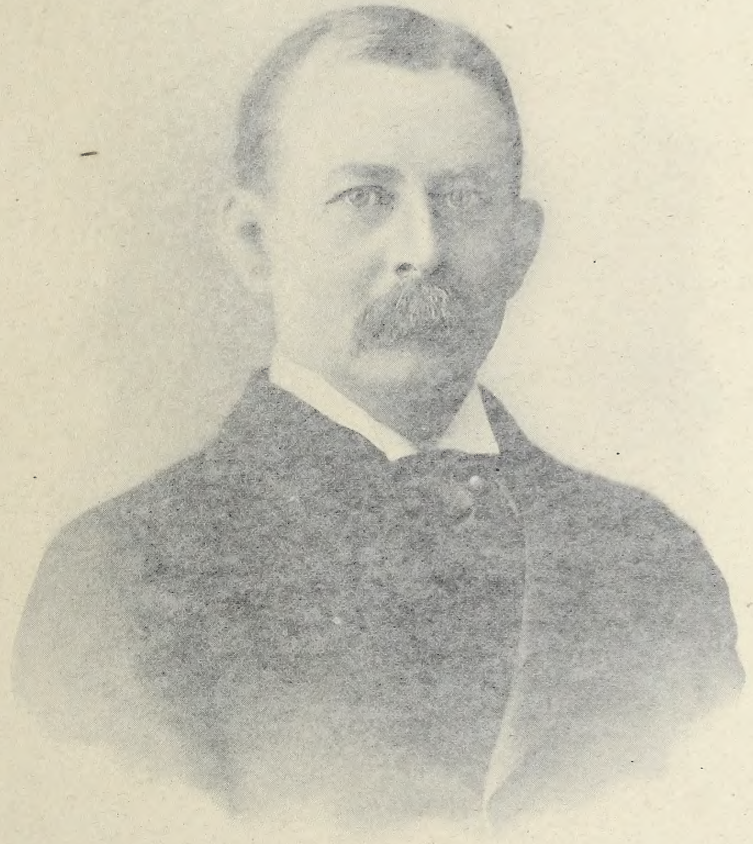
The law, its study and practice, is almost a passion with him, and no interest of a character not pertaining strictly to his profession has ever possessed an influence sufficient to divert him therefrom. He is a professional, not a business man, and he is convinced that a diffusion of interest results in a diffusion of energies, and therefore his whole power is concentrated on one object — the law. Although devoted to his profession, Judge Edmunds accords proper deference to the amenities of life, and his genial sociability and never-failing gentility make him an appreciated member of any circle. This popularity is, perhaps, responsible for the fact that he is a member of a great many societies, clubs, etc., fraternal, social and otherwise. He is a member of the Virginia Historical Society, of the Sons of the Revolution, and of the Society of Colonial Wars. He is also a Mason and a Knight of Pythias. Of the strictly local organizations on whose membership roll his name appears, may be mentioned the St. Louis Club, the St. Louis Country Club, the Jefferson Democratic Club and the Jackson Club.

June 10, 1895, was the date of Judge Edmunds' marriage. On that day he was wedded to Almy H. Breckinridge, daughter of Judge Samuel M. Breckinridge of St. Louis.

CHARLES J. E. ERD,

SAINT LOUIS.

ONE of the young attorneys who has recently entered the lists as a contestant for legal honors, whose native talent is a pledge of future performance, is Charles J. E. Erd, of St. Louis, at present a member of the firm of Taylor & Erd. Mr. Erd was born at Waterloo, Illinois, February 18, 1870. He is the son of William and Mary Theresa Erd, and from each inherited the best results of good influences and proper training exercised through a number of generations. They were people of good education and entitled to the respect accorded them by all who knew them. The father, who died November 27, 1896, was for twenty years Judge of the Probate Court of Monroe County, Illinois, and for



H. L. Edmunds



H. L. Edmunds

twenty years previous to his election as Probate Judge, filled the office of Clerk of the Circuit Court of the same county, facts that testify to his character as a man and his worth as a citizen. The mother was a daughter of the late Capt. John Wesley, of St. Louis, and in her character gave expression to many of the highest virtues of a true Christian womanhood.

Charles J. E. Erd passed his boyhood in the town of his nativity, and there attended the common schools until 1884. In that year he was enrolled as a student of St. Louis University, remaining there until the spring of 1885, when his connection with the University was terminated by his appointment as a cadet at the United States Naval Academy at Annapolis, Maryland, an honor for which he was indebted to Hon. William R. Morrison, of Illinois. Two years spent at the Naval Academy convinced him his tastes and inclination unsuited him to the unbending and almost machine-like routine of a naval life. Neither did the knowledge that he must always hold himself subject to the will of a superior officer comport with his ideas of independence, or his inherited love of liberty; accordingly he resigned.

After a short time spent at home, he proceeded to carry out his cherished plan of entering the law. He matriculated at the St. Louis Law School in the fall of the same year he resigned his commission as a cadet (1887), and received his diploma from that institution in 1889. He was admitted to practice at St. Louis, February 18, 1891, and in July, 1893, formed the partnership with Seneca N. Taylor, which is still maintained. Mr. Taylor is a lawyer of many years' practice and established reputation, and the firm has an excellent line of legal business, no small share of which is attended to by the junior partner. In this he has proved himself diligent and wholly trustworthy, never permitting himself to be satisfied with less than his best effort in every instance. As stated in the beginning of this sketch, Mr. Erd is still in the first flush of youth, with the world in front of him. Actuated by the purpose to succeed and with fine natural endowments, his future is almost assured. He is of social disposition, of unassuming demeanor and courteous manner, and his many admirable qualities have won for him numerous powerful friends, ever ready to second his laudable efforts. Mr. Erd is unmarried.

FRANK M. ESTES,

SAINT LOUIS.

FRANK M. ESTES, of St. Louis, is of Southern origin and is a descendant of a family well and favorably known in Dixie. He was born in Haywood County, Tennessee, August 26, 1854, and came to St. Louis in 1875, having at that time just reached his majority. He remained in Tennessee during his youth, or until he left home to go to Montreal, Canada, where he entered the celebrated McGill University. After completing the course at that institution, he returned to the United States, matriculated at the University of Virginia, at Charlottesville, where, conformable to plans formed long prior to that time, he qualified in the law. After a short visit to his home, he started westward in search of fame and fortune. Reaching St. Louis, he was impressed by the opportunities it offered to a young man of pluck and determination, and undeterred by the able and experienced men with which the field was already occupied, he decided to make the city the scene of his future labors.

When he settled in St. Louis in 1875, he did not at once begin practice, but with that devotion to thoroughness which is characteristic of all his work, he decided to take a post-graduate course in law. He entered St. Louis Law School, received his degree and was admitted to the bar. Since that date his professional progress has been uninterrupted, and he has reached a point where he is able to command a most desirable class of legal business. He is skilled and able, is vigorous, energetic, alert and young and brings to the service of his clients an enthusiasm and devotion, prerequisites to success in any department of human endeavor. If he is more skilled in one respect, as a practitioner, than another, it is as a trial lawyer, in which his gift of eloquence is effective. He is a graceful and fluent speaker, and has a command of language that enables him to express the finer shades of meaning most effectively.

Like all men of robust mental constitution, he is naturally interested in public and political affairs. In the leading political position he occupies, no small part of his influence is based on the fact that his course has always been without the expression of a desire to elevate himself to official position. He has given of his time and talent freely in his party's behalf, as delegate and as a committeeman, serving for a time as Chairman of the Democratic City Central Committee and rendering valued service in a variety of ways. A high evidence of the esteem of the people was extended when in 1896 he was made one of the five candidates for Judge of the Circuit Court of the Eighth Judicial District. St. Louis went Republican that year, and he, as well as such able jurists and well known lawyers as Edmunds, Dillon, Harvey and Wood (his colleagues) was defeated.

Mr. Estes has social qualities which have won him a legion of friends. He is one of the best known men in St. Louis, and is popular in every circle. He has done much to maintain the *esprit du corps* in his profession, is one of the most active members of the Missouri Bar Association, and for some time acted as Secretary of that body. He is a member of the Legion of Honor, of which he has been Supreme Chancellor and is a prominent Elk. The St. Louis Lodge of Elks to which he belongs, has honored him by making him its President.

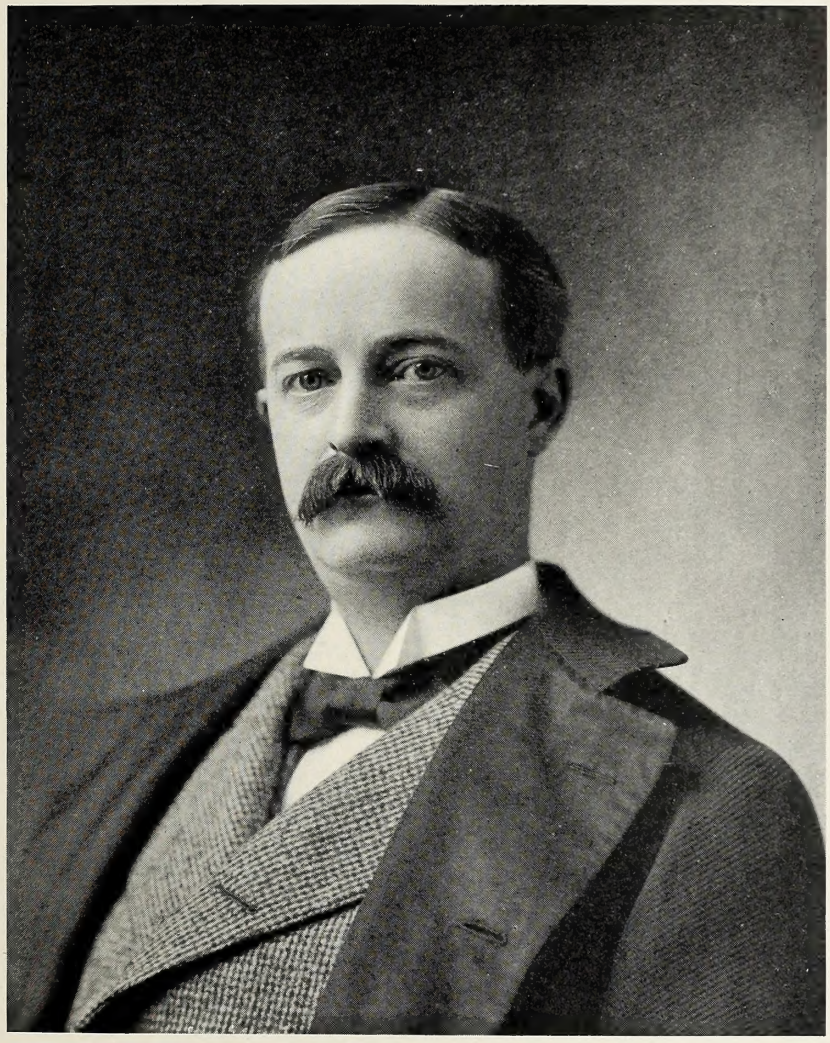
Mr. Estes has two children by a former marriage. In August, 1896, he was married to Miss Nellie Stockton, a granddaughter of Commodore Stockton and a lineal descendant of Richard Stockton, one of the signers of the Declaration of Independence. Mrs. Estes was quite a belle of St. Louis society and one of the handsomest women in the State of Missouri.

DANIEL D. FASSETT,

SAINT LOUIS.

DANIEL D. FASSETT is a great grandson of Capt. Jonathan Fassett and Mary Montague Fassett, of Vermont. Captain Fassett was active in the military and civil affairs of Vermont, held the office of Commissary of Purchases for that State during a part of the period of the Revolutionary struggle and many offices of trust and honor afterward. Mary Montague, his wife, was related to the celebrated English Montague family. Mr. Fassett's family numbers many lawyers and politicans. J. Sloat Fassett, of New York, is his cousin.

Mr. Fassett was born May 7, 1846, in Bradford County, Pennsylvania, on a farm and is the son of Philo Fassett. He attended the common country school, his first instruction



Frank M. Estes.

being received in an old log school house, a relic of early pioneer days. The boy worked on the farm in summer and went to school winters, later attending a private academy in Elmira, New York.

When about twenty years old, he went into a shoe store as clerk, but after a year in this position, decided that trade was suited neither to his taste or talent. He determined to study law, and subsequent years have demonstrated the wisdom of his choice of a profession. As necessity compelled him to be self-sustaining, his road to a profession was no easy one. Before he left the shoe store he began reading Blackstone, and his studies were prosecuted of nights and at odd times while working on the farm, while canvassing for newspapers, selling maps, etc. It may be set down as a certainty that the boy who shows the tenacity of purpose and ambition to obtain an education at such cost and sacrifice, has the pluck and endurance to win success under any circumstances that may befall. The proof is to be found in the present standing at the St. Louis bar of this young man who wrought out his own beginning in the county where he was born.

Finally he was able to enter the office of Mercur & Morrow at Towanda, Pennsylvania, Judge Mercur being an eminent lawyer and afterward Chief Justice of Pennsylvania. Mr. Morrow was likewise a splendid lawyer, and under such excellent tutelage young Fassett completed his technical education and after three years of effort was, on May 9, 1870, admitted to practice, being at that time twenty-four years old.

He did not make any very serious attempt to establish himself in practice near his home, his chief concern being rather to find a good location elsewhere. In March, 1872, he located at Titusville, in the oil region of Pennsylvania. There he founded a partnership with Joseph R. Harris, afterward a well known member of the St. Louis bar. This partnership was formed in 1873, and between that date and 1876 the firm's prestige and reputation rapidly increased. They handled a great mass of legal business during that time, some of it of the first importance. It is said by one who knew Mr. Fassett and his partner at that stage of their careers, that in the high and responsible character of the business transacted, they could congratulate themselves as standing among the first legal combinations in the State. This was the more remarkable, considering the combined ages of the members of the firm, which aggregated but fifty-six years.

The partnership was dissolved by Mr. Harris' decision to seek a larger field in the West. He located in St. Louis, and to that city in 1881 came also the subject of this sketch. His former partner had made rapid progress, and in a few years after reaching St. Louis was elected Circuit Attorney of that city. After Mr. Fassett established himself there, he and Mr. Harris were interested in many suits as associate counsel, and it was the tacit understanding that on the expiration of the latter's term as Circuit Attorney, their former business relations were to be resumed, but the young Circuit Attorney's ambition was stronger than his physical being, and as a result, hard work and study broke him down and he died. Mr. Fassett continued in civil practice, and this has grown to such a volume that all his time is required to dispose of it.

Before he left Pennsylvania in 1881, Mr. Fassett was admitted to practice before the Supreme Court of Pennsylvania, the United States Circuit and District Courts and the Supreme Court of the United States. In knowledge of law and procedure he has a splendid equipment. His practice in Pennsylvania thoroughly familiarized him with the methods and principles of the common law, which then obtained in that State. When he came to Missouri he diligently set before himself the task of mastering the science of code pleading

and practice, with the result that he may now be considered one well versed in both the civil and common law. He is a tireless searcher for the truth and as much of his effort has been confined to the limits of the law, the result has been a knowledge of that subject in whose possession the greatest of his profession might well feel proud. He is a strong advocate, and is a clear and logical reasoner before court or jury.

In 1885 Mr. Fassett was married to Miss Ruth Gaty, daughter of Samuel Gaty, an old and honored citizen of St. Louis. Two daughters have come to bless the Fassett household.

Mr. Fassett has never aspired to or held official position. He is distinctively and strictly a lawyer. He is a member of the Legion of Honor, and of the Office Men's Club of St. Louis, is also a communicant of the Baptist Church and takes an interest in all religious work and every effort to assist and raise humanity.

PEMBROOK REEVES FLITCRAFT,

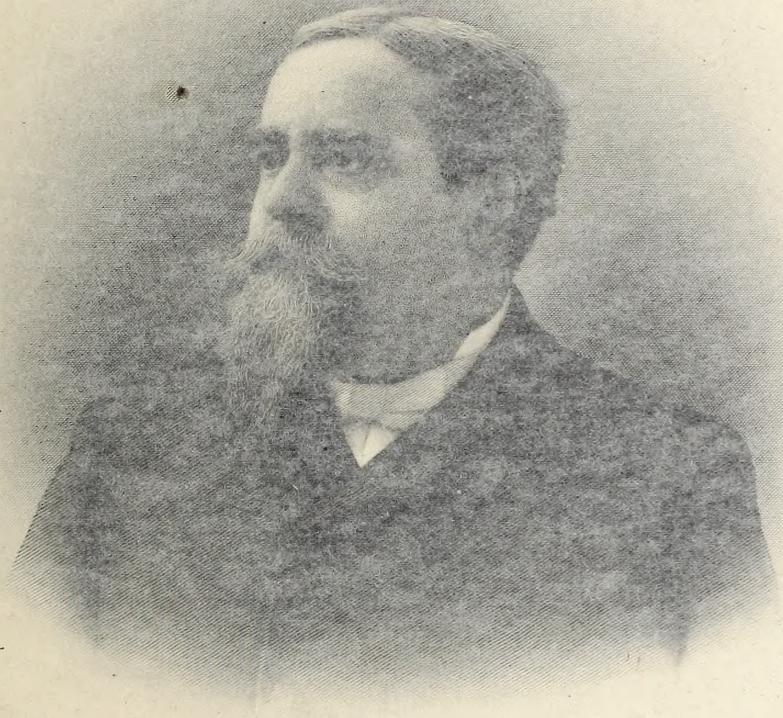
SAINT LOUIS.

PEMBROOK REEVES FLITCRAFT, now Judge of the Circuit Court in the City of St. Louis, is an example of that class of men to which chiefly every vigorous and advancing community owes its prosperity. Born of educated parents and reared under refined and Christian influences, yet fortunately not in the wealth sufficient to reduce his early life to a condition of ease, he has attained a high and honorable title in his profession, through means that give him the higher and more honorable title among men — a self made man. A very brief epitome of his history is here given.

The parents of Judge Flitcraft were Dr. Isaiah Reeves Flitcraft and Mary Ann Flitcraft, nee Atkinson. Dr. Flitcraft was practicing his profession in Boston, Indiana, in July, 1849, during the epidemic of cholera, when he was himself attacked by the disease and died in Richmond, Indiana, on the 20th of that month. The mother of Judge Flitcraft died January 11, 1893. His grandparents on his father's side were Isaiah Flitcraft, and Martha, his wife. His grandfather and grandmother on his mother's side were Champion Atkinson, born February 20, 1795, and died March 22, 1873, and Eliza Atkinson, his wife. Both his father and mother and their ancestors were members of the Friends, or Quaker Church.

Judge Flitcraft was born at Woodstown, Salem County, New Jersey, January 7, 1847. When he was quite young his parents moved to Ohio, thence to Indiana, and his early education was acquired in the country district schools until 1864, when he entered Raisin Valley Seminary, a Quaker boarding school in Lenawee County, Michigan, where he prepared for admission in the classical course of the University of Michigan, at Ann Arbor, which he entered in the year of 1867, and from which he was graduated with the degree of Bachelor of Arts in 1871, and from which also he received a degree of Master of Arts in 1874.

But his road through college was not smoothed by wealth. On the contrary, the money necessary to defray his expenses was earned by his own labor. In 1866, before entering college, he taught school, and during the summer vacations while at college he worked on a farm, and by these means acquired money to carry him through the freshman and sophomore years. When he reached the Junior year he had to withdraw from college until he



Pembrook R. Blidcraft



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could earn money enough to go on again. During this period he taught school and afterwards was appointed Deputy United States Marshal to assist in taking the census of 1870, and in this way acquired means to enter his class again in the fall of 1870. But while he was working in this manner he also applied himself diligently to the studies that his class was pursuing, and although he was absent for a whole year, yet when he presented himself for examination he passed with honor, was admitted to the senior class, and graduated with those with whom in 1867 he had matriculated as freshmen. But after those four years of manly struggle and noble achievement, we are not surprised to find the young man considerably involved in debt; for though industry, zeal and noble ambition will accomplish wonderful things, still they must fall short of absolute miracles. With the same energy, therefore, he had displayed in the years just passed, encouraged by the success he had attained, and strengthened by his growth, the young man entered bravely and confidently on the task of earning the means to pay his debts and to enter on his life of usefulness.

On leaving college, he first became Superintendent of Schools in Charlotte, Michigan, which position he held for one year and resigned to take a more lucrative position with the publishing house of A. S. Barnes & Co., with which he remained for one year and resigned to accept a position in the publishing house of Wilson, Hinkle & Co., afterwards Van Antwerp, Bragg & Co., of Cincinnati, Ohio. Upon resigning from this last position he resumed, with all his energy, the study of law which he had begun, but had not been able to devote his whole time to during his other occupations, and moved to Missouri, first coming to St. Louis and then to Kansas City, where he was admitted to the bar in 1875. He was now twenty-eight years old and had accomplished the proud work of educating himself, paying his debts and fitting himself for his profession, all by his own labor.

Shortly after being admitted to the bar in Kansas City, he went to Girard, Crawford County, Kansas, to pay a visit to his mother, who was then living there, and during that visit he was invited by John T. Voss, Esq., an old and prominent attorney of Southern Kansas, to form a law partnership with him. This he did and entered on the practice of law at that point, and so remained until 1878, when he returned to St. Louis, where he has resided ever since. In 1880 he formed a law partnership with Henry E. Mills, Esq., which he continued until called to the bench of the Circuit Court in January, 1895, by the vote of the people of St. Louis, which position he now holds.

Judge Flitcraft is an example of that class of Americans who are at home in any State in the Union. Born in New Jersey, he moved with his parents in his childhood to Ohio, thence to Indiana, thence back to Ohio, thence to Michigan, where he lived until he was grown; then he moved to Illinois, thence to Ohio, thence to Missouri, thence to Kansas, and thence to Missouri again, in the City of St. Louis, where at the bar and on the bench, he has displayed those qualities of mind and heart that have gained for him the admiration and affection of the community to such an extent that the probabilities are that he will not wander any more, but will pass the rest of his life in the city which appreciates and honors him.

It would be impossible for a man of Judge Flitcraft's mind and character to isolate himself from mankind, or to exclude himself from those social connections through which good men exert their greatest influence towards the advancement and happiness of their fellow men. It is a fact which will not excite surprise, therefore, when it is stated that for many years he has been an active and prominent Mason. He is a member of George Washington Lodge, No. 9, A. F. & A. M., and was Worshipful Master of that Lodge in 1890.

He is a member of St. Louis Chapter, No. 8, Royal Arch Masons, and was High Priest of that Chapter in 1885. He is a member of Hiram Council, No. 1, Royal and Select Masters, and was Thrice Illustrious Master of that Council in 1882. He is a member of St. Louis Commandery, No. 1, Knights Templar, and was Eminent Commander of the Commandery in 1885. He was also Most Illustrious Grand Master of the Grand Council of Royal and Select Masters of the State of Missouri in 1885. He is also a Thirty-second Degree Mason of the Ancient and Accepted Scottish Rite, being a member of Missouri Consistory, No. 1, of that Rite, of St. Louis, Missouri.

Besides the high places he has filled in the Masonic fraternity, he is also a member of two benevolent orders, known as the Royal Arcanum and Legion of Honor. In the Royal Arcanum he is a member of Valley Council, No. 437, and in 1894 was Grand Regent of Missouri. In the Legion of Honor he is a member of Alpha Council, No. 1, of St. Louis, Missouri. Through his connection with these fraternal bodies Judge Flitcraft has exerted a great influence for good. He has left upon all those bodies with which he has been connected the impress of his own elevated and enlightened character.

In September, 1883, Judge Flitcraft married Emma Belle Brenneman, daughter of Levi and Mary Brenneman, of Pittsburg, Pennsylvania. Of this marriage there have been born and are now living two children: Ada Virginia and Edna Belle.

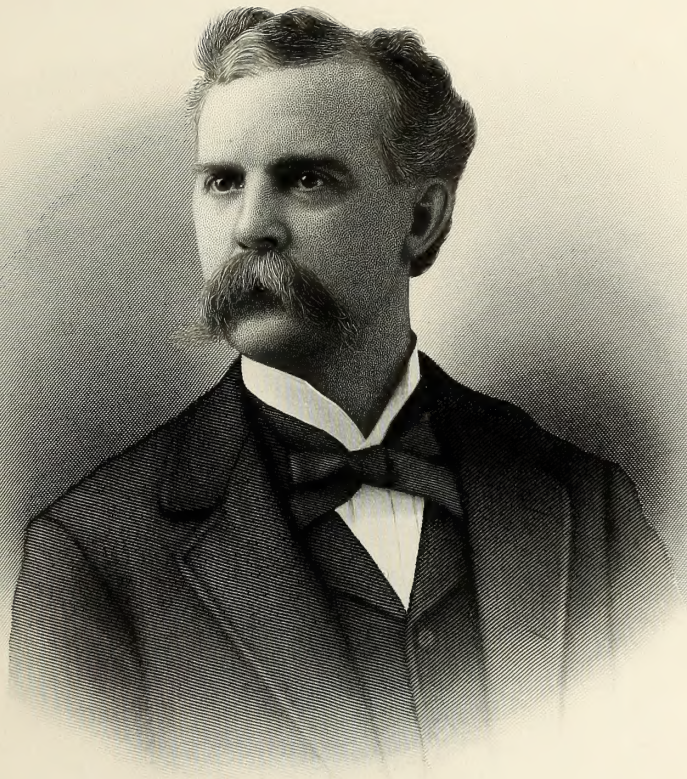
As a lawyer practicing at the bar his conduct was always marked by industry, zeal, ability and good faith, and since he has been on the bench he has brought into action those same virtues, tempering only the zeal of the advocate in the impartiality of the Judge.

WILLIAM WALLACE FRY,

MEXICO.

WILLIAM WALLACE FRY, of Mexico, comes from one of the oldest Missouri families now living, his ancestors blazing the first forests on the western banks of the Mississippi in what is now known as Pike County. The Frys are of English descent, the American residence of the family beginning with the great grandfather of our subject, who came to this country from England. His son, James Fry, of Cynthiana, Kentucky, came to Missouri in 1818, three years before her admission as a State, and settled on land in Pike County, near where the town of Louisiana afterwards sprung up. On this farm, in 1820, Jacob Young Fry, father of our subject, was born, and there he passed his boyhood, brought home his bride, raised his family and lived to the ripe age of seventy-six, dying in 1896.

His wife, the mother of William, was Elizabeth Carson Jordan, member of a pioneer family even longer resident of Missouri than the Frys. She was of Scotch descent and came of a grand family. She was born in Pike County in 1828, and her father was Robert Carson Jordan, a South Carolinian who came to Missouri in 1812. He gave his life to his spirit of pioneer daring, for he was killed by the Indians, and was the first person buried in what is known as the Buffalo graveyard at Louisiana. All the pioneers here mentioned were people who were endowed with both physical and mental strength and health and were the forerunners of that virile, forceful, noble race of people of Virginia–Kentucky blood who first settled Pike County, and with that vitality and persistency which is the highest



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evidence of fitness, have since spread throughout and dominated the State. Missouri environment of the early days produced a splendid people, strong physically, quick witted, resourceful, brave, of wide humanity and the highest and noblest moral instincts. The best material, that which was adapted to and fitted into the Missouri environment most naturally, was the Virginia or Kentucky stock, and as Pike County was made the point of earliest settlement of that people, it naturally follows that that section has produced the typical, the most complete and representative Missourian.

William Wallace Fry was born on the old homestead near Louisiana, which was also his father's place of nativity. His youth was spent amidst the healthful quiet of the country and under the invaluable training of parents industrious, rigidly just and honest, and fully realizing the serious importance of life. When the son was of sufficient age he was sent to school and in the district schools of Pike County he procured his elementary education. After finishing at the common schools, William was sent to McAfee's College at Louisiana, and afterwards spent four years at McGee College, at Macon City, Missouri. That the course might be thorough and complete he next went to Ann Arbor, Michigan, and became a student at the University of Michigan, where he took both the collegiate and law course. He graduated with honors in both, receiving his diploma from the law department in March, 1876. Returning to his home he was admitted to practice at Louisiana by Judge Gilchrist Porter, in May, 1876.

He practiced a short time in the office of Fagg & Biggs, of Louisiana, after being licensed, but dominated by that peculiarly human impression or notion that the Elsewhere is always indefinitely fuller of opportunity than the Here, he came to the conclusion that Mexico, Missouri, held for him greater possibilities than Louisiana, and thus it resulted that he was soon located there and launched in business. On settling at Mexico in January, 1877, he formed a partnership with W. O. Forrist, which continued up to the time of the latter's death in 1888, since which Mr. Fry has practiced alone.

It is impossible in a town the size of Mexico for an attorney to essay to become a specialist, and therefore Mr. Fry's practice is general in its nature. His versatility well fits him for this character of work. Rated at the top of his profession, it is not singular that he has appeared in almost every important case that has come before the bench in that circuit, in the last fifteen years. Of those of greatest interest and consequence, might be mentioned:—State vs. Alex. Kilgore, 70 Mo., 546; Mills vs. Williams, 31 Mo. Ap., 447; Richardson vs. Palmer, 24 Mo. Ap., 480 and 36 Mo. Ap., 88; Brownfield vs. Phœnix Insurance Co., 26 Mo. Ap., 390; Davis vs. Green, 102 Mo., 164; Wade vs. Ringo, 122 Mo., 322. These cases are all important in the history of the bench and bar of Missouri, because they involved new issues or raised novel ideas in the courts. The Kilgore case was a murder case and attracted widespread interest, and in fact all the cases here mentioned attracted great attention at the time, and have since been generally cited by the bar of the State as precedents. Wade vs. Ringo was a very interesting case, involving a patent right contract. Mr. Fry drew up the contract, and afterward defended it. He won a decision from the Missouri Supreme Court, but the opposition still being dissatisfied carried it to the United States Supreme Court, which also decided in favor of Mr. Fry's client. All the cases here mentioned were carried to an issue wherein the appellate courts sustained his contention.

Mr. Fry is a Democrat in politics, but is too thorough a lawyer to permit the interference with his practice that would be involved in an active participation in his party campaigns. Hence he has never held an office or consented to run for one, although he takes a deep interest in all issues of good government and manifests a special concern in the judicial conventions of his party.

As a citizen he is a leader in all civic enterprises, and is especially endowed with that large minded progressiveness, which is the foundation stone of the fabric of many of our Western towns. He is too deeply devoted to the law to permit such patriotism assuming an extended, specific or personal relation to his city's progress, although he is at this time Vice-President and Director of the Mexico Savings Bank.

He is one of the most active and helpful friends the cause of education has in the State of Missouri. He is a staunch friend of Missouri University, and did other citizens of the State have a modicum of his pride in that institution, it would soon become what he hopes to see it ere he dies — the leading State University of the country. He is a tireless worker in behalf of the University and is as enthusiastic and hopeful as active. Such enthusiasm has resulted in much good to the cause of education generally. In his efforts to advance this work he has given much money outright. He is a member of the Methodist Episcopal Church and the cause of religion has also felt his benefactions.

As a lawyer, Mr. Fry ranks with the ablest in the State. His success he attributes to his application and industry, though a strong and splendid natural mental endowment should not be omitted from the list of his equipments. He undoubtedly has that power of concentration and sustained effort, to which with the assistance of a highly intellectual mental inheritance, all things seem possible. He is proud of his profession, and is a devotee of his law books, although he is of a literary turn of mind and has read deeply and well. He cares nothing for society, being a man too earnest and natural to brook its artificialities. His greatest pleasure is found in his office, surrounded by his books and briefs, or at his home in the bosom of his family. It may be said with truth that he divides his life equally between the two.

Mr. Fry is a man of great physical force, which is only surpassed by his mental power, and his conviction that life has an earnest purpose has been broadened by him into active expression. He is a ready, fluent talker, and in conversation it is a delight to listen to him. There is none of the artificial or the make-believe in his constitution. He is democratic and sociable and desires the world to take him as he really is, which is good enough. In the law he is especially strong in the preparation of his cases for trial. His estimate of what the evidence shows, and his construction of the law, are always presented in a clear, concise and painstaking manner. As he is yet in the fullness of his manhood, strong, vigorous and full of health, ambitious and able, it is hard to forecast what honors he may not yet attain in the practice of his profession.

Mr. Fry's wife has been a real helpmeet to him as well as a companion. She was Miss Nettie Bourne, one of the belles of Mexico, and a daughter of Dr. R. W. Bourne, an old and successful physician of that town. The marriage was consummated November 25, 1880, and the couple have three children — two boys and a girl, named respectively, Richard B., fifteen; W. W., Jr., eleven; and Gertrude, six.

MELVIN LAMOND GRAY,

SAINT LOUIS.

A MAN who has gone through over half a century of law practice in such a city as St. Louis must have had experiences, which crystallized into narrative form, should constitute a story of surpassing interest. Such has been the experience of the venerable Melvin Lamond Gray, whose intelligent observation of the incidents running through fifty-four years, must prove a record of the highest value to any history of St. Louis or of the bench and bar of Missouri. And while it is not possible to incorporate any very considerable share of the rich historical facts with which his mind is stored, in this article, an attempt will be made to include a few reminiscences of earlier days as they relate to the bar, given the writer by Mr. Gray, together with a brief biography of the oldest enrolled member of the St. Louis bar resident in that city, with one exception.

Melvin Lamond Gray was born at Bridport, Vermont, July 20, 1815. The Grays are of Scotch-Irish stock, the Scotch representative settling in the north of Ireland from Ayreshire, Scotland, in 1612. The patriarch of the family, John Gray, with several sons, emigrated in 1718 to Worcester, Massachusetts, and about 1740 several of his sons settled at Pelham, Massachusetts, adjoining the present Amherst. Dr. Asa Gray, the eminent botanist, is a descendant of this John Gray. Our subject's grandfather and several of the latter's brothers served in the Revolutionary War, and his father was called as one of the militia to participate in the battle of Plattsburg, but reached the field too late. The father, Daniel Gray, being named for his grandfather, the latter insisted that he should have a collegiate education, and he accordingly graduated at Middlebury College, Vermont, in 1805. Some time after this he was married to Susan Rice, who bore him one son, Ozro Preston Gray. The mother lived only a short time, and after her death the elder Gray was wedded to Amy Bosworth. To this marriage were born eight children, of whom six sons grew to manhood. Our subject came of this last marriage, the oldest son of which was Edgar H. Gray, who became a Baptist clergyman who was settled, during the war, over the E Street Baptist Church in Washington, D. C., and for two sessions was chaplain of the Senate, took part in the funeral services over the body of Abraham Lincoln and officiated at the funeral of Thaddeus Stevens.

The father of Mr. Gray, by the death of his father in 1812, inherited the home farm, but owing to a lack of experience in farming lost the farm and died in 1823 at the early age of thirty-six years. Death left his widow with six boys, the oldest not more than ten years of age. Fortunately the family had many relatives and friends in the town and among these the children were distributed. The subject of this sketch was placed in the family of the minister of the town and there remained until he entered college, working on the farm in summer and attending, as he grew older, the village select school. In these schools he prepared for college, taking the course of the freshman year without a teacher, and was thus enabled in 1836 to enter the sophomore class of Middlebury College. He paid his way in college by teaching winters and graduated in 1839, John G. Saxe, the poet, and William A. Howard, who afterward served two terms in Congress and was Governor of the Territory of Washington, being members of the class.

In the fall of the year of his graduation, young Gray went to Autauga County, Alabama, and taught school there and in the neighboring county of Montgomery two years. There the young teacher came in contact with Dixon H. Lewis, then a member of the

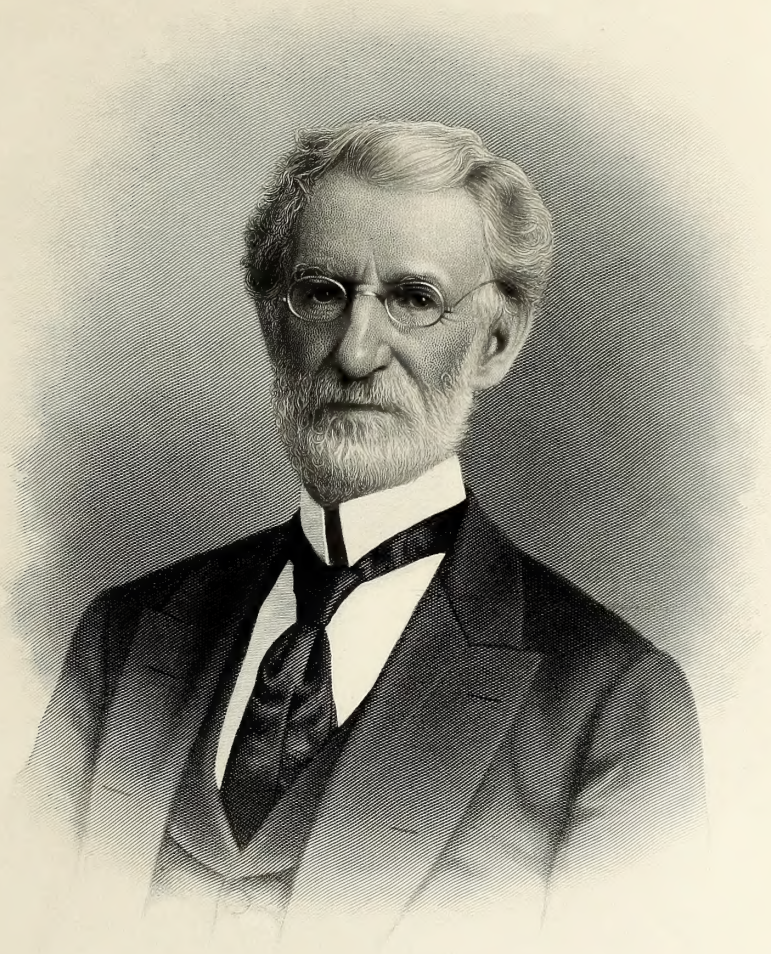
House of Representatives and afterward United States Senator; Governor Fitzpatrick, later also a United States Senator; William L. Yancy, Henry W. Hilliard and several others who subsequently became prominent in public affairs. When Mr. Gray went to leave the State he had his first experience with the "wild-cat" currency of those days. He was paid in paper of the Alabama State Bank at its face value and when he wanted to leave the State it was at a discount of thirty-five per cent, which he was compelled to lose.

In September, 1842, the young man reached St. Louis, where he at once entered the office of Britton A. Hill and John M. Eager and began the study of law. As he had prior to that read law in his spare moments, he successfully passed the examination and was admitted in the following May, 1843. He did not, however, open an office until February, 1844.

Mr. Gray's long period of practice has been confined almost exclusively to the civil department of the law. He has in his day devoted much attention to admiralty and trade mark law. His trade mark practice finally became of great volume and one of these cases, Fleming vs. McLean, went to the United States Supreme Court and the decision thereon is now cited as an important precedent. His business increased with the years until he was rated one of the most successful lawyers at the St. Louis bar. As time crept on he gradually withdrew from active practice; but such was the reputation for honor and integrity he had established in his many years of practice, that many estates were brought to him for settlement and he was called on to act as curator and trustee to the extent that during the last decade or two his professional work has consisted almost exclusively of this kind of business. Many of these estates were large and all were settled without loss or controversy. In 1893 Mr. Gray withdrew entirely from practice and, although still hale, vigorous and intellectually alert enough to pass for one a dozen years younger, he expects to spend the balance of his life in quiet and retirement and the bosom of his family.

In 1851 Mr. Gray was married to Miss Ruth C. Bacon, a native of Massachusetts, who for several years had been a teacher in a leading female seminary of St. Louis. Her companionship and her devotion to the interests and welfare of her husband were an inspiration and a blessing until her death in 1893. A beautiful and true tribute to her life and character was written by the late Eugene Field, who was a frequent visitor in the Gray home, and these, with tributes of affection from other friends, have been printed as a memorial of her. Mr. Gray was the executor of Eugene Field's father and practically the curator of the poet, and a warm friendship existed between the Field and the Gray families.

Mr. Gray has been a patron of learning and his philanthropy has been as active as catholic. He gave $25,000 at one time to Drury College, the leading educational institution of the Congregational denomination in the West. This splendid sum was donated for the purpose of establishing and endowing a professorship in honor of his wife. Every educator, writer and artist has found in him a friend and benefactor. Almost any man can gain money, but remarkably few know how to use it. Mr. Gray has realized his responsibilities, and has used his money to elevate and assist men and hasten the progress of civilization. He is a man of the high literary culture and has devoted much of his life to work in that field, being a worker as well as a most liberal patron. He has been a member of the Missouri Historical Society thirty-five years, has always been one of its most active members and for a number of years was its Vice-President. For a long time he has been a member of the St. Louis Academy of Science, and for the



Melvin L. Gray

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last two years (1896 and 1897), has acted as its President, that officer being elected annually. He also serves as one of the Board of Trustees of Drury College, and now occupies the same relation to Forest Park University, the well-known college for young ladies in the suburbs of St. Louis. Education, learning, literature and science have in him a true friend and helper and the aid he has given to every movement to raise and better humanity, places men of his own time, as well as posterity, under the deepest obligation.

A few facts relative to the St. Louis of the past and the men of those times, as they were observed by the venerable subject of this biography, cannot be otherwise than interesting, and if these facts have not been woven into the body of the biography itself, it is because it was deemed that they would possess added interest if presented substantially in the language of Mr. Gray himself.

"When I came to St. Louis in 1842," says he, "the bar consisted of many members who had come here in territorial times or soon after Missouri became a State. Hamilton R. Gamble, Edward Bates, Henry S. Geyer, Josiah Spalding, John F. Darby and Beverly Allen were then the seniors of the bar, and all were men of marked ability and ranked among the ablest lawyers of the country. Roswell M. Field, father of Eugene Field, and Myron Leslie, both natives of Vermont, were partners and were the younger contingent of the bar. Among the juniors were also Charles D. Drake, author of what was known as the 'Drake Constitution;' Joseph B. Crockett, afterward one of the Supreme Judges of California; Wilson Primm, who was born in St. Louis in 1810, was a great promoter of education, held many offices of trust and was a man of remarkable versatility; James B. Bowlin, four times Congressman, a diplomat under the Polk and Buchanan administrations and the first Judge of the St. Louis Criminal Court; Richard S. Blennerhasset, the orator of unequal eloquence and a relative of Daniel O'Connell; John M. Krum, the first Mayor of Alton (during whose administration Lovejoy was assassinated), and subsequently the first Democratic Mayor of St. Louis; his then partner, Albert Todd, who saw much service of a public character, and was one of the founders of the Fair Association, the Public and Mercantile Libraries, the University Club and was one of the first members of the St. Louis Bar Association; William F. Chase, a brother of Salmon P. Chase; Alexander Hamilton, P. D. Tiffany, Samuel Knox and John R. Shepley; Trusten Polk, afterward Governor of the State and later United States Senator.

"Others of the prominent lawyers who are named in the order of their business relation to each other, were Logan Hunton and Louis V. Bogy; Montgomery Blair and Thomas T. Gantt; and Thomas B. Hudson and Nathaniel Holmes. All of these named were men of exceptional ability, were splendid lawyers and early enjoyed good practice. All the business men of the town were clients of these older lawyers, and as may be imagined, it was hard for the youngster and the new-comer to get a foothold.

"My first practice was with Charles B. Lawrence as partner. Our acquaintances were few and practice so light that two years later Mr. Lawrence went to Quincy, Illinois, where he was very successful. In 1857 he went to Europe for his health, and returning, settled on a farm in Warren County, Illinois, but was soon elected Circuit Judge, and a few years later was made Supreme Judge of the State. As a member of a body in which Hon. Sidney Breese was his associate, he made a reputation as one of the ablest jurists of the State. My next associate was Franklin Fisher, a native of Massachusetts, whose talent was an assurance of a bright future, but he was stricken without warning by the cholera in 1849. After

his death I always practiced alone, declining very flattering partnership offers from my old instructor, Britton A. Hill and others.

"In those days there was much litigation growing out of the settlement of French and Spanish land claims, in some of which cases I took a part. Another important department of litigation then was the steamboat cases. The State steamboat law was in force and a large part of the practice consisted in bringing suits against steamboats by name. An old steamboat Captain, then keeping a boat supply store, kindly used influence with the river men in my favor, and thus threw much business into my hands. In 1854 Judge Wells of the United States District Court, decided that the United States Courts had jurisdiction in river cases under the admiralty law, which ruling was sustained by the United States Supreme Court and this practically put an end to suits under the State steamboat law.

"When I began practice in St. Louis, only six volumes of Supreme Court Reports had been published; now there are 132 volumes. English text books and English reports were almost universally used and quoted as authorities. 'Chitty on Pleading' and 'Starkie on Evidence' were the standards. The common law system of pleading was in vogue, until superseded by the Code of 1849, proposed by the Hon. Mr. Wells, Judge of the United States District Court for Missouri.

"At the time I was admitted to the bar, Bryan Mullanphy was Judge of the Circuit Court, Peter Hill Engle, Judge of the Court of Common Pleas, A. W. Manning, Judge of the Criminal Court, and Peter Ferguson, Judge of Probate. Judge Peter Hill Engle soon after died, and Montgomery Blair succeeded him as Judge of Common Pleas. The docket of that court was much behind and Judge Blair was noted for the vigor and celerity with which he disposed of business. Often while the attorneys were arguing before a jury in one case, the Judge would be busy empanelling the jury in the next case.

"As I have said, I was admitted to the bar in May, 1843. The only persons now living that I know of, who were then members of the bar, are Samuel Knox, admitted in 1838, now living in Massachusetts; Judge Nathaniel Holmes, now also of Massachusetts, admitted in 1840; Judge Samuel Treat, admitted in 1841, although to the best of my recollection he was not then in active practice, being the editor of a newspaper. Judge Treat spends the winters here, and excepting him, I believe I am the oldest enrolled member of the St. Louis bar living in St. Louis."

JAMES HAGERMAN,

SAINT LOUIS.

JAMES HAGERMAN is a native Missourian, having been born in Jackson Township, Clark County, Missouri, November 26, 1848. His father, Benjamin Franklin Hagerman, a native of Loudon County, Virginia, was born September 18, 1823, but when quite young went to Missouri, first settling in Lewis County, but afterwards located in Clark County, where he met and wedded Miss Ann S. Cowgill, who had gone to Missouri with her parents from Mason County, Kentucky, her birth-place. The father is still living, but his mother departed this life in August, 1893, leaving behind her three sons and one daughter—James, Frank, George C. and Linnie. Benjamin F. Hagerman began life, with his widowed mother and two older sisters, as a pioneer Missouri farmer, and for a time was engaged as a country school teacher, and then in mercantile business, and afterwards located at Alexandria, in Clark County, and engaged in the real estate and general collecting busi-



James Hagerman

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ness, and became the representative for many of the large mercantile houses of the cities, especially those of St. Louis, and in this capacity looked after their interests in the courts, employing special lawyers from time to time.

The subject of this sketch attended the village school of Alexandria, Clark County, and later his education was advanced by an academical course at the Christian Brothers' College, St. Louis, Missouri, then located at Seventh and Cerre Streets. Here his clear reasoning faculties gave him first honors in all branches of mathematics. He received first honors in many other studies as well. His education was completed in Professor Jameson's Latin School, of Keokuk, Iowa, to which place his family moved in 1864. Leaving school he entered the law office of Rankin & McCrary, of that place. Justice Miller, of the Supreme Court of the United States, severed his partnership with Rankin about this time to take his place upon the bench. This was the leading law firm in the State of Iowa, and one of the strongest in the whole country. With such associations and examples to pattern after and aspire to, it is not strange that the early inclinations of James for the "jealous mistress" received such an impetus that he very soon completed the course of reading outlined by his preceptors and was knocking at the gates of Themis for admission to the Keokuk bar before, under the laws of Iowa, he could be admitted. He therefore went back to Missouri, where his youth was no impediment, and passed an examination at LaGrange, Missouri, before Judge Wagner, of the Supreme Court, and was admitted to the bar of his native State Christmas day, 1866. He returned to Keokuk and re-entered the office of Messrs. Rankin & McCrary, where he remained until August, 1869 (not yet being of age), when he went to Palmyra, Missouri, where he opened a law office and first swung out his own shingle, with H. S. Lipscomb as his partner. He only remained there one year—again returning to Keokuk. This one year, however, was a very important one in his life, if not in his profession, for while there he met Miss Margaret M. Walker, who afterwards became his wife, they having been married at Palmyra, October 26, 1871. Though living in Keokuk, he was not forgotten by his Clark County friends. He was retained by the defendant in the interesting case of Widdicombe vs. Childers, begun in the Circuit Court of Clark County in August, 1874, and finally decided by the Supreme Court of the United States in 1887, in favor of the defendant, 124 U. S., 400; 84 Mo., 382. It is a nice case in evidence and equity. Two others of his early Clark County cases were, ex parte Slater, 84 Mo., 102, involving a grave constitutional question in criminal law, and Smith vs. County of Clark, 54 Mo., 58, involving the validity of $200,000 of Clark County bonds, issued in aid of the construction of the Alexandria & Bloomfield Railroad. In 1875 he formed a partnership with his old preceptor, Judge McCrary, under the style of McCrary, Hagerman & McCrary, which firm continued in the practice until 1879, when Judge McCrary was appointed Judge of the United States Circuit Court for the Eighth Circuit, and his place was filled by Frank Hagerman (now of Kansas City, Missouri,) coming into the firm—the firm becoming Hagerman, McCrary & Hagerman. In 1884, James Hagerman, after a successful practice of fourteen years in Keokuk, accepted the General Attorneyship of the Atchison, Topeka & Santa Fe Railroad Company, and moved to Topeka, Kansas, the headquarters of that company. Judge McCrary was at the same time General Counsel of that company, having resigned from the bench in 1884. It is thus seen that he was long associated and in many different ways with his preceptor, the lamented Judge and Secretary of War under President Hayes. During the time he was General Attorney for the "Santa Fe," that road was in its formative period and branching out through the Western States and Territories into the

Republic of Mexico, but not without serious legal difficulties, resulting in the *cause celebre*, Fletcher vs. Santa Fe Ry., 35 Kan., 238, which the General Attorney, in connection with his associate counsel, briefed, argued and brought to a successful close.

In 1886 Hagerman moved to Kansas City, Missouri, and formed a partnership with Major William Warner and Oliver H. Dean, under the name of Warner, Dean & Hagerman. In the year 1888, Jay Gould's Southwestern system of railways having been disrupted, many of the component companies bankrupted and their properties demoralized, receivers were appointed by Judge Brewer (now Justice Brewer) for the Missouri, Kansas & Texas Railway, and James Hagerman was made their General Counsel. The duties of this position he filled from 1888 to 1891, in connection with his general practice in Kansas City, but upon the reorganization of the Missouri, Kansas & Texas Railway Company, he was appointed General Solicitor of that company and severed his connection with the Kansas City firm and moved to St. Louis, Missouri, in November, 1893, where he now resides.

Mr. Hagerman's law practice has probably been as extensive and as varied as that of any of his contemporaries, ranging through all of the courts of the land, State and Federal, and comprising actual trials of civil and criminal cases before Justices and Police Courts, arbitrators, referees, masters in chancery, and the courts of record — State and Federal — and the Supreme Courts of the Territories and States, and the United States District and Circuit Courts, Court of Claims and Supreme Court of the United States, and also before the various railroad commissions and legislative committees, State and Federal.

He is an all round lawyer, equally at home in all branches of law and equity, and relatively as strong before a jury or *nisi prius* court as before an appellate court. The Reports of the Supreme Courts of Missouri, Iowa, Kansas and Texas and of the Federal Courts abound with cases in which he has been engaged as counsel.

In politics Mr. Hagerman has always been an ardent, progressive and active Democrat, and has taken part in all the National campaigns since 1868. In 1879 he presided over the Iowa State Democratic Convention which nominated H. H. Trimble for Governor. In 1880 he was a delegate from Iowa to the National Democratic Convention which nominated General Hancock; and, in 1888, only two years after moving to Kansas City, was Permanent Chairman of the State Democratic Convention which nominated David R. Francis for Governor. He has never joined any secret or fraternal associations, but is a genial club-man and a member of the State and American Bar Associations. Mr. Hagerman has two children, Lee W. and James, both of whom have chosen their father's profession, the latter being with him in St. Louis, and the former completing his legal education at Harvard College.

RUDOLPH HIRZEL,

CLAYTON.

JUDGE RUDOLPH HIRZEL, of Clayton, who at the present time presides on the Circuit bench of the Thirteenth District with dignity and wisdom, is the son of Otto and Rosa (Tritscher) Hirzel and is a native of Wurtemburg, Germany. He was born in that kingdom, December 9, 1845. His father was a government official, but after the upheaval of the Revolution of 1848, followed farming as a vocation, and thus the son imbibed that love of nature and rural surroundings which has clung to him ever since. In his educa-



Yours truly
Rudolph Hirzel

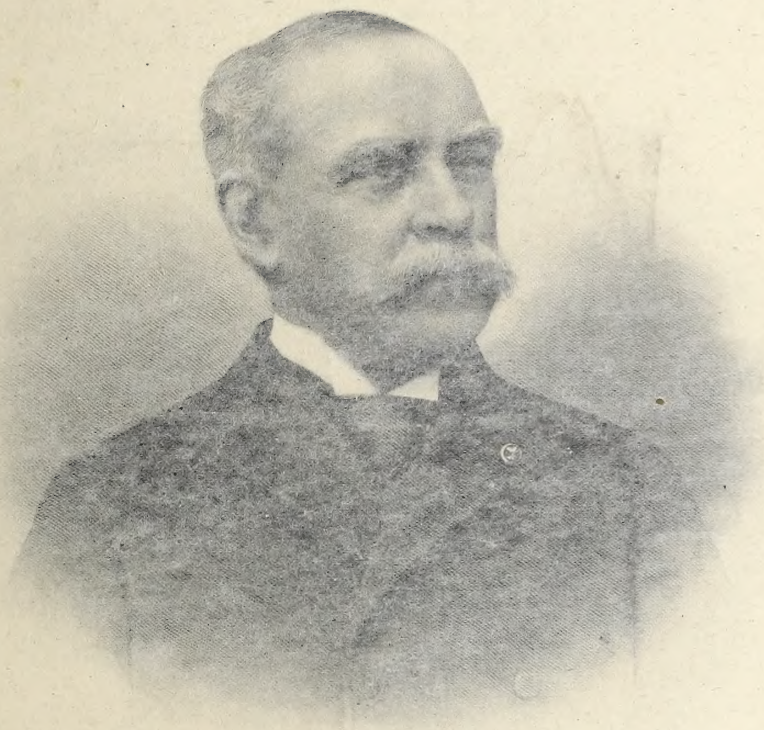
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tional training he was subjected to that thoroughness which is characteristic of the Germans, and on the farm he learned that habit of industry and thrift which is perhaps the foundation of the almost universal success of the sons of the Fatherland in all countries. Young Rudolph attended the excellent public schools of his native place and afterward took a partial course in the gymnasium. Then he attended, for one year, an agricultural college, and applied himself to the mastery of the science of agriculture in practical labor, it being his intention to adopt that line as a calling.

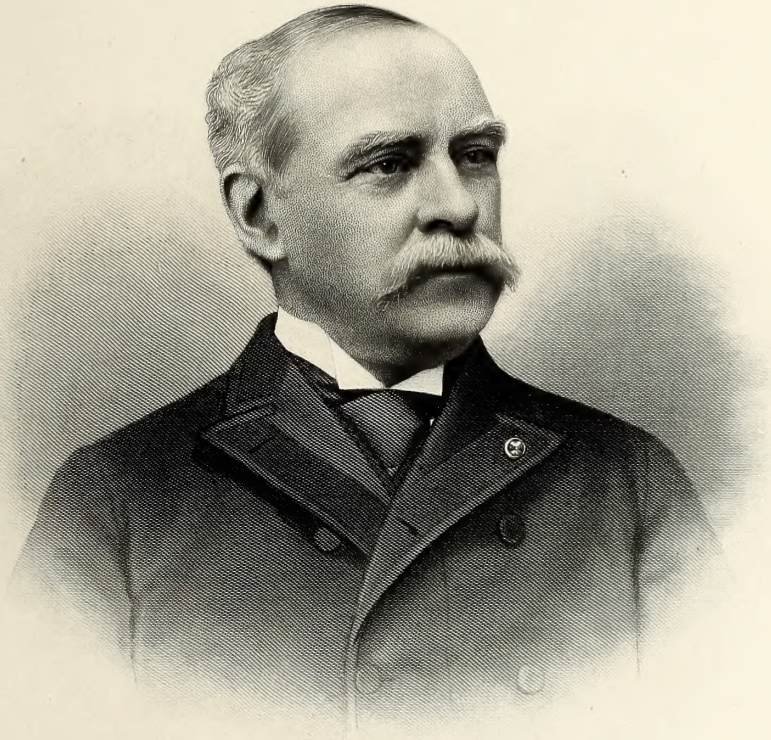
In 1865 he set his face westward and determined to try his fortunes in the new land of liberty, where the ostensible measure of all men is merit and where the energy, industry and talent of the individual have full effect in the struggle for existence. He was a strong, healthy, vigorous, alert young man of twenty when he landed in New York. He reached this country in September, 1865, and after remaining in New York and Connecticut until October, 1866, came to Missouri, being attracted to the section near St. Louis by the large number of his fellow-countrymen who had settled there. He had his own way to make in life and as he had taste for agricultural pursuits and was well acquainted with that branch of industry he began farming in Gasconade County. But in the air of the New World was inspiration to higher endeavor. The young German determined to adopt the law as a profession, and appreciating the need of a fuller general education, began teaching school when the farm work was not pressing, and by such means was enabled to enter, as a member of the junior class, Central Wesleyan College, at Warrenton, Missouri, took the classical course and was graduated in 1871. He qualified for his profession in the office of Lay & Belch, at Jefferson City, where he was admitted in 1872. He then returned to Gasconade County, and locating at Hermann, began practice, April 19, 1873. Impressed with the necessity of beginning his career under the best possible auspices, he was on the same day he opened an office for practice, united in marriage to Miss Matilda Nasse of that place.

Judge Hirzel's rise as a lawyer has been steady. He was elected Prosecuting Attorney and served in that capacity two terms. In 1879, desiring a wider field, he removed to St. Louis, where he soon increased his practice to a most satisfactory volume. As a lawyer he proved himself equally able in both the criminal and civil branches of his profession, and while in regular practice handled a number of cases which added to his prestige and fame. One such was the case of the State vs. Baron Bechtolsheim, Austrian Consul at St. Louis, in which he appeared as counsel for the defense, winning his case on the contention that the State Courts had no jurisdiction over foreign consuls. In 1883 he was one of the attorneys of the Saloon Keepers' Association of St. Louis, and prosecuted the much-vexed Sunday law to a legal determination.

In the earlier years of his residence in this country, Judge Hirzel made a close and painstaking study of the political conditions of the republic and by this means reached a position of sympathy with the objects and harmony with the principles of the Republican party, with which he has affiliated ever since. In the earlier years of his career while practicing law at Hermann, he was very active in that field, and before he scarcely was aware of it, he was looked upon as a local leader of his party. After his location in St. Louis, he withdrew from active participation in politics, and devoted himself exclusively to his legal business. About 1884 he located at Clayton, a suburb of St. Louis, and was finally drawn into public life again, being urged to accept, in 1886, the nomination for Judge of the Thirteenth Judicial Circuit. He did so, and was elected. He administered justice



Henry Hitchcock



Henry Hitchcock

at Burlington, Vermont, in 1791, graduated from Vermont University about 1813, was admitted to the bar and moved to Alabama Territory in 1816. He was Secretary of Alabama Territory, Attorney General of Alabama (State) and United States District Attorney; in 1835 he was appointed Chief Justice of Alabama, resigning in 1837 and died August 11, 1839, at Mobile, of yellow fever. He was a man of the highest character, influence and reputation, universally honored and beloved, and his death was lamented in Mobile and throughout Alabama as a public calamity. In the biographical sketch of Judge Samuel Hitchcock, contained in the History of Addison County, Vermont, occurs the following: "Of the three sons of Judge Samuel Hitchcock who survived him but are now dead, Henry Hitchcock became the Chief Judge of the Supreme Court and the statesman of Alabama. General Grandey, who was his personal friend and acquaintance in Alabama, says of him: 'He was the best known, the most beloved, the most distinguished, the ablest, the most worthy and the most popular man in Alabama during the last ten years of his life.'"

In October, 1821, Judge Henry Hitchcock, the father, married Anne Erwin, daughter of Col. Andrew Erwin, who came to this country from the north of Ireland, was at one time a prominent and successful merchant in Augusta, Georgia; afterward lived in Buncombe County, North Carolina, and emigrated thence, about 1811-12, to Bedford County, Tennessee, and was accompanied by a large number of his neighbors, among whom he was the leading spirit. Until his death he cultivated a large farm about ten miles from Shelbyville, Tennessee, on which he built what was for many years known throughout all that country as "The Brick House," and known far and wide for its hospitality.

To this marriage was born three sons and two daughters, two sons being now the sole survivors of the family. One living member of the family is of course our subject; the other is Ethan Allen Hitchcock, also a resident of St. Louis. From 1875, when he located in St. Louis, he has been one of that city's leading business men. He has served as resident Director of the Pittsburgh Plate Glass Company; was President of the Crystal Plate Glass Company, organized by him in 1877, which largely and successfully engaged in manufacturing plate glass, and afterward consolidated with other plate glass companies under the name of Pittsburgh Plate Glass Company. He was also President of the St. Louis Ore & Steel Company, succeeded in 1893 by the Big Muddy Coal & Iron Company, of which he is President. He was also President of the Chicago & Texas Railroad Company (of Illinois), and has been President of the St. Louis Commercial Club. March 22, 1869, he married Margaret D., the second daughter of George Collier. In 1875, after a residence in Hong Kong, China, where he was the representative of American interests, he returned to St. Louis and that city has since been his home.

In July, 1897, Ethan Allen Hitchcock accepted the appointment of U. S. Minister to Russia, tendered him by President McKinley, with whom he had sustained most friendly relations for several years.

Henry Hitchcock, the subject of this memoir, the second son of Judge Henry Hitchcock, and Anne Erwin, his wife, was born July 3, 1829, at Spring Hill, a summer settlement six miles from Mobile, Alabama, where his parents lived. In November, 1846, he graduated from the University of Nashville, in which city his mother then lived, at once went to New Haven, entered Yale, graduated in 1848 with the degree of A. B., being among the first seven students of his class. In 1875 the University conferred on him the degree of LL. D., a high distinction when it is considered how sparing Yale is of such

honors. In July, 1848, the young collegian entered the office, in New York, of Hon. Willis Hall, the Corporation Counsel of the city. In November of the same year he accepted a position as assistant classical teacher of the high school at Worcester, Massachusetts, holding that position until November, 1849. In that month he returned to his home in Tennessee and shortly thereafter entered the office of Hon. William F. Cooper, then a prominent member of the Nashville bar, afterward eminent as Chancellor and Judge of the Supreme Court of Tennessee.

On September 22, 1851, the young legal aspirant arrived in St. Louis. In October, 1851, he passed his examination before the Hon. Hamilton R. Gamble, Chief Justice of the Supreme Court of Missouri, and opened an office. From January 1, 1852, to January 1, 1853, he served as assistant editor of the St. Louis Intelligencer, a Whig paper, which in June of that year he represented at the Whig National Convention, at Baltimore, which nominated General Scott for the Presidency. After a year's service, he found his editorial work inconsistent with his legal duties and resigned. At first, as is usual with beginners, he found law practice slow, but he redoubled his study of legal principles and was not discouraged. At the March term, 1854, he made his first appearance before the Supreme Court of Missouri, and after that clients were more numerous. In the next ten years he appeared in fourteen cases before the Supreme Court—a fair record for a young attorney. Throughout his legal career, Mr. Hitchcock has declined criminal practice, preferring the civil branch, and devoting himself especially to equity and commercial law. In 1860 he declined the offer of a law partnership from Gen. Frank P. Blair, and in 1862 declined a similar offer from Hon. Charles D. Drake, both prominent figures in the history of Missouri.

He never sought political office, but was always deeply interested in public affairs. Brought up a Whig, pursuant to family traditions and associations, confirmed by reflection in early manhood, he was a devoted admirer of Henry Clay, but observation of slavery during boyhood, even in its humane surroundings in Tennessee, implanted in him strong convictions of its evils and dangers, and in 1858, having closely followed Mr. Lincoln's debate with Douglas on the Kansas-Nebraska question, he became an avowed Republican and has always since then belonged to that party, though not always approving the views and actions of its more radical members. His first political speech was made in November, 1860, the night before Lincoln's election, at a meeting at which Hon. Frank P. Blair was the leading speaker. The holding of such meetings was well understood to be a protest against slavery, and the position of a Republican was anything but pleasant in St. Louis in those days. The feeling against them was bitter, and they were known as "Black Republicans."

Mr. Hitchcock was always a man with the courage of his convictions, and once convinced that slavery and secession were wrong, he embarked in the cause against them with all his energy and soul. It thus transpired, in the stormy events that followed, he as much as any other man in the commonwealth was instrumental in retaining Missouri to the Union. The record of his experiences and his connection with the events of those times, comprise incidents and occurrences of the highest historical value, but within the limits of a short biographical sketch it will be possible only to summarize this part of his career.

In February, 1861, he was one of the fifteen delegates which comprised the "Unconditional Union Ticket," and which was elected to represent St. Louis in the Convention which met the same month at Jefferson City "To consider the relation of Missouri to the Union." He was one of five Republicans on that ticket, the others being James O. Broad-

head, Hudson E. Bridge, Isidor Bush and John How. One other Republican — Charles V. Eitzen, of Hermann — was elected to the Convention, and these six, in a total of ninety-nine delegates, were the only representatives of the new party. As is well known, that celebrated Convention convened frequently during the ensuing two years, and in all its sessions Mr. Hitchcock, in the prime of life, vigorous and enthusiastic for the Union, took a leading part. The Convention was composed of the ablest and most conservative men of Missouri, and they had before them a question of the gravest concern to the State, i. e.: What attitude should Missouri assume in the conflict?

On March 13, 1861, Mr. Hitchcock made a speech in answer to Judge Redd, of Marion County, on the "Moss Amendment," which provided that while Missouri would take no part in making war against the general government, she would not, on the other hand, furnish men or money to aid the government in "coercing" a seceding State. The speech was a masterly one and traversed the whole range of the subject of the Constitution and the relations of the States to each other and the central government. The amendment was defeated by a vote of sixty-one to thirty, March 16, 1861. On the resolution providing that slavery should be permitted south of the Missouri Compromise line, while all territory north of that line should be forever free, the vote was ninety for to four against. Mr. Hitchcock was one of the four — his conscience permitting him to make no compromise with slavery, whatever. He was also one of the six who voted against the resolution giving it, as the sense of Missouri, that the Federal Government withdraw its troops from the forts of the seceding States, there being eighty-nine votes for the resolution.

Mr. Hitchcock was present at the next meeting of the Convention, which assembled at Jefferson City, July 22, 1861, which declared the offices of Governor, Lieutenant-Governor and Secretary of State vacant and instituted a provisional government, with Governor Gamble at its head. On October 10, 1861, the Convention assembled at St. Louis. At this meeting Mr. Hitchcock was a member of the committee of five charged with drafting ordinances organizing the militia of the State. On October 16, he made an elaborate speech in support of an ordinance postponing the election ordered for November, 1861, being in reply also to a speech of Uriel Wright, who, although elected to the Convention as a Union man, "had already shown himself as a sophistical and dangerous opponent of all important measures of the Convention." In his speech of October 18, Mr. Wright replied to various criticisms, including this speech, which he described as "able, ingenious, specious, and its rhetoric is unexceptional. It does credit to his intellect and his powers of argument." Mr. Wright afterward "went South," and on June 6, 1862, was expelled from the Convention.

The Convention next sat for twelve days at Jefferson City, assembling June 2, 1862. Mr. Hitchcock was again present at the first roll call, attended all meetings and voted on all questions, served on the select Committee on Elections and Elective Franchise, assisted in the preparation of an ordinance prescribing a test oath, supported it in debate as protective but not proscriptive or retrospective legislation, and also spoke on a variety of other subjects. At the next and final sitting of the Convention, at Jefferson City, beginning June 15, 1863, and lasting fifteen days, Mr. Hitchcock was present at every meeting and took an active part in the proceedings. This session considered the question of emancipation and on June 26, Mr. Hitchcock made an elaborate speech advocating emancipation to become effective January 1, 1864. The Convention after long debate passed an ordinance abolishing slavery in Missouri July 4, 1870, with various periods of apprenticeship, according to age.

On July 1, 1863, the Convention adjourned *sine die*, having for two years exercised supreme legislative power throughout the State of Missouri, as the immediate representative of the people. Its acts form a highly important and interesting part of the history of Missouri. Its members were elected on the eve of the Civil War, at a period of great popular excitement, and it was obliged to meet problems of public policy and duty, the importance and difficulty of which can hardly be exaggerated. The expectation and scarcely disguised purpose of those who called it into existence was that it should enact an ordinance of secession, and the passage of the Convention bill was resisted to the utmost by the Union men in the Legislature of 1861. But not a single avowed secessionist was elected to it, no ordinance of secession nor any resolution or proposition to that end was ever offered, and the ordinances of July, 1861, deposing the then State Government and State Legislature and installing a Provisional State Government were enacted by a clear majority of the members elect. It was never a revolutionary body, but conservative from first to last, steadfastly declining to legislate concerning matters of local or personal interest, or even upon matters of general concern, except so far as seemed absolutely necessary for opposing the Rebellion. It contained many of the ablest men of the State, and as to the rest, was a genuinely representative body. Mr. Hitchcock says of it: "Though I then thought, and still think, that its action fell short of its opportunities, I do not believe that any legislative body ever met on American soil whose members, taken as a whole, more earnestly strove to do what, in their honest judgment, would promote the welfare of their people."

Mr. Hitchcock has always deplored what he regards as his mistake in not entering the volunteer service in 1861. That was his desire, but his friends insisted that his value to the cause would be greater as a member of the Convention than in the field. Especially were the remonstrances of his uncle, Gen. Ethan Allen Hitchcock, earnest and effective. General Hitchcock was a brave and experienced soldier, and he insisted that having no military education his nephew could not hope to render effective service as a soldier, and that his place was as an organizer at home. Of this matter Mr. Hitchcock has said: "Neither of us realized the magnitude of the conflict, or that the Civil War must educate its own officers. I reluctantly acted on his advice, but year by year regretted it more, till in September, 1864, before the fall of Atlanta and when the issue of the war still seemed doubtful, still against his earnest protest — although he was then himself in the service as Major General of Volunteers — I applied in person to Secretary Stanton for a commission and obtained one; not in the hope, at that late day, of rendering military service of any value, but simply because I could not endure the thought of profiting in safety at home by the heroism of others, and of having no personal share in the defense of my country against her enemies in arms."

The Convention having adjourned, Mr. Hitchcock felt that he could not remain contentedly at home, and therefore went to Washington, where he called on his uncle, Gen. Ethan Allen Hitchcock, then Major-General of Volunteers and very close to the President. General Hitchcock wanted to introduce his nephew to Seward, but Mr. Hitchcock answered that he was not looking for a place in the State Department, but wanted to go to the front. When General Hitchcock introduced him to Stanton, the latter asked him how he would like the position of Judge Advocate at St. Louis. Mr. Hitchcock reiterated his desire to go to the front and returned home with the assurance that a place would be found for him. On October 1, 1864, the appointment came which made him Assistant Adjutant-General of Volunteers with rank of Major. He was assigned to duty on General Sherman's staff at the

latter's request, embodied in a telegram sent to Col. J. C. Kelton at Washington. He arranged his business in St. Louis, leaving his legal affairs in the hands of his clerk, George W. Lubke, since Judge of the St. Louis Circuit Court, reported to Sherman at his headquarters at Rome, Georgia, the last week in October, and was made a member of his personal staff. Though nominally an Adjutant-General, the duties of that office were performed by Capt. L. M. Dayton, and Major Hitchcock until the end of the war saw that actual field service he so much desired.

Honorably mustered out of service June 23, 1865, in July Major Hitchcock sailed for Europe, spending four months traveling through Great Britain, Ireland, France, Germany, Switzerland and Austria, meeting on his tour and sitting at table with such notables as John Bright, Thomas Hughes, author of "Tom Brown at Rugby;" Prof. Jowett, afterward Master of Balliol College and translator of Plato; Hon. Lyulph Stanley, a rising member of the Liberal party; Edouard Laboulaye, the eminent French republican, and a number of others who sympathized with the Union in the war just closed. Returning to St. Louis, December, 1865, he resumed practice, and in 1866 or 1867 took into partnership his former clerk, George W. Lubke, an association that continued until ill health compelled Mr. Hitchcock's temporary retirement in October, 1870. While he was in the army another State Convention had been called, which passed an ordinance of immediate emancipation and adopted the noted "Drake Constitution." The Republican party in Missouri was then controlled by the radical element, and as Mr. Hitchcock did not sympathize with this element, he took no active part in politics, though he has always remained a Republican, declining to go with his friends, General Blair, Colonel Broadhead and Mr. Glover, into the Democratic party.

Mr. Hitchcock is known as the "Father of the St. Louis Law School," and no more enduring monument could be erected to any man's fame than that. His connection therewith and the noble work he has done in its behalf are related in a special article in this volume on the St. Louis Law School by Hon. Charles Nagle.

In 1867 Mr. Hitchcock was admitted to the United States Supreme Court, appearing as associate counsel of Messrs. Glover and Shepley. In April, 1869, he was urged by Judge Treat and John R. Shepley to accept the appointment of United States Circuit Judge for the Eighth Circuit, under a recent act of Congress providing for nine Judges. Owing to the position of Judge Treat and Mr. Shepley's intimate relations with President Grant, their action was an assurance of appointment, but Mr. Hitchcock declined, owing to the wide extent of the circuit, which would have taken him away from home much of the time.

In 1870 Mr. Hitchcock's health failed from overwork. He spent the summer traveling on the Pacific Coast, but on attempting to resume work in September, was threatened with passive congestion of the brain. He dissolved his law firm and spent some time in New York under the treatment of that noted physician, Dr. William A. Hammond. Receiving an invitation to visit him from his brother, Ethan Allen Hitchcock, the managing partner, at that time, of the American firm of Olyphant & Co., at Hong Kong, China, Mr. Hitchcock reached that point March 2, 1871, and after remaining two months returned home by way of Japan and San Francisco, reaching St. Louis greatly improved in health.

In 1872 he took in as law partners George W. Lubke and John Preston Player. In 1882 Mr. Lubke was elected Judge of the St. Louis Circuit Court, soon after that Mr. Player died, and for the next two years Mr. Hitchcock practiced alone. April 1, 1884, he

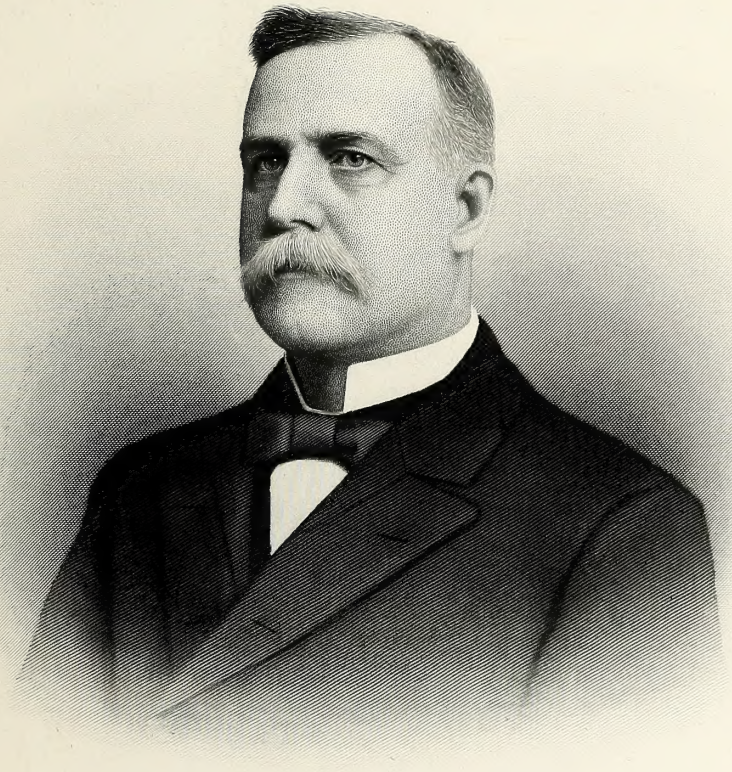
entered into a partnership agreement with Judge George A. Madill and Hon. Gustavus A. Finkelnburg, limited by its terms to a period of six years. April 1, 1890, the partnership expired and Mr. Hitchcock and Mr. Finkelnburg continued practice together until July 1, 1891, since which date the former has practiced alone.

WILLIAM BRADFORD HOMER,

SAINT LOUIS.

WILLIAM BRADFORD HOMER, of St. Louis, is representative of the ninth generation of his family in America. His mother was Ruth Bliss, and her ancestors came from England to Massachusetts Bay Colony about the same time the Homers also emigrated from England to the same place, namely, 1650. Of those English Homers who became colonists in the New World, the one from whom William B. Homer is descended was an able and distinguished lawyer who practiced both in Massachusetts Bay and Plymouth Colonies. That he was a man of courage with all of the old Puritan's hatred of oppression and worthy to be one of the founders of a great and free republic is shown by the fact that at Boston upon a certain occasion he moved the impeachment of the Royal Judges, and thereupon the Royal Executive promptly cast him into prison. But the Governor, seeking to mete out punishment and disgrace, only succeeded in honoring the fearless lawyer who had the courage of his convictions. That the people of Massachusetts Bay admired his courage and wished to reward his patriotism, is shown by the fact that at a later date the General Court of Massachusetts Bay granted him a goodly tract of land in the wilds of western Massachusetts. Though the court records do not show it, the inference is that this was intended as a covert recognition of his manhood and martyrdom. This ancestor who bearded the representatives of the King, had a brother who was an influential man in the colony and was one among the first presidents of Harvard College.

Opportunity and environment have everything to do in shaping the career of every man. Had opportunity existed the subject of this sketch would have doubtless proved a soldier who would have won honors, if the influence of heredity is also a factor of weight in determining the future, for his ancestors, with the possible exception of the first two who established the family in America, have all been men who held some military office. His father, Alured Homer, held the rank of Captain and was a leading citizen of Brimfield, Massachusetts. His biography is incorporated in the" History of Brimfield" as one of the worthies of that place. His father held the rank of Colonel, and during the War of 1812 had command of the entire cavalry force of Massachusetts. The great grandfather of our subject was a patriot of the Revolution, serving his country valiantly and well. Beginning with the "Lexington Alarm," he marched and fought to the surrender of Cornwallis, eight years later. He entered the service as an Ensign and left it as a Captain. His father was also no less patriotic and was a member of the Committee of Correspondence of Massachusetts Colony. But as no alarum of war has roused his country since Mr. Homer was a boy of fifteen, he has had to be content with following in the footsteps of his able pioneer ancestor of the Seventeenth Century, and in the bloodless field of legal contest has no less certainly won honors that did his ancestors who sought military fame.



W. B. Homer

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Mr. Homer was born near Brimfield, Hampden County, Massachusetts, July 29, 1849. He prepared for college at Hitchcock Free High School at Brimfield, and graduated at Williston Seminary, at Easthampton, Massachusetts, in the class of 1867. He then entered Amherst College and there graduated honorably in the class of 1871. The choice of a vocation in life is a matter of serious import. It may make or mar the career of a man. Mr. Homer was certainly most fortunate in this crisis of his history, for his subsequent life has demonstrated his complete adaptability to the work of his profession. After deciding to become a lawyer, he entered Columbia Law School of Columbia University, New York, and shortly after receiving his diploma went to Northampton, Massachusetts, and was there admitted to the bar in June, 1872.

Westward lay the course of Empire, then as now, and the newly created young lawyer decided to follow it. He arrived in St. Louis in the November following his admission to the bar in June, had soon made arrangements to begin work, and has continued in practice there from that time to this without change or removal.

Mr. Homer has an extensive fraternal, social and business connection through the various bodies of different kinds to which he belongs. He is a member of the Sons of the American Revolution; he is one of the founders of the flourishing New England Society of St. Louis, and for the past thirteen years has acted as its Secretary; he is recognized as a brother by the Ancient Order of United Workmen and the Legion of Honor, and is likewise a member of the Mercantile Club and one of the Examining Board of the St. Louis Law School of Washington University. In church work he is well known for his activity and benevolence, and for twenty-three years has been continuously an officer of Pilgrim Congregational or Central Congregational Church of St. Louis. He has been President of the Congregational Club, Director of the City Missionary Society of St. Louis for eleven years, or from its organization, and is now President of the last named society.

September 20, 1876, Mr. Homer was married to H. Louise Hart, of Hartford, Connecticut. They have two sons and two daughters, namely: Ruth Louise, born October 27, 1877, now a member of the class of '99 at Smith College, Northampton, Massachusetts; Roland Mather, born January 6, 1882, now of the class of '99, St. Louis High School; Mary Hart, born March 3, 1889, and Bradford Crouper, born January 14, 1895.

As a lawyer Mr. Homer has steadily risen from his admission to the bar in St. Louis in 1872, until at the present time when he has won reputation as an able lawyer and enjoys a large and lucrative practice. His integrity, unflagging industry and courage to maintain his convictions in every field of professional strife have commanded for him the esteem of his contemporaries, of the judiciary and the community in which he lives. He is now, in the prime of life, thoroughly equipped for the honest toil which his profession exacts; he may reasonably expect long years of success and usefulness to follow.

JAMES L. HOPKINS,

SAINT LOUIS.

ONE of the young attorneys of St. Louis whose natural powers give assurance of a successful career, is James L. Hopkins, who is a native of that city, where he was born in 1868. His father was Christian R. Hopkins. His mother's maiden name was Anna Love, a daughter of James Love, an old pioneer of St. Louis. Mr. Hopkins obtained his

education in the common schools of St. Louis, at Washington University, and received his degree of LL. B. from the law department of that institution. He was admitted to practice in the Missouri courts, October 7, 1889, at St. Louis, and to the United States Supreme Court, November 9, 1894. He is fully embarked in general practice in St. Louis, and is ambitiously forging to the front.

In fraternal circles Mr. Hopkins is recognized as a brother by the Masons and Knights of Pythias, being a member of Missouri Lodge No. 1, in the former order, and of Golden Crown Lodge, K. P., of which he is a Past Chancellor. He is also a prominent member of the Jefferson Club, and one of the most active young Democrats in the city. As a student of the law he has shown great assiduity, which has been rewarded by a thorough knowledge of that science. Of a mental constitution thoroughly adapted to the law, he evidences a literary tendency which has found expression in various contributions on legal subjects to different class publications. He has contributed numerous articles to both the Central Law Journal and the Encyclopedia of Pleading and Practice, and has written a number of essays on medico-legal matters, which indicate a knowledge of the subject which shows he has studied it deeply.

Mr. Hopkins was married in 1892. Miss Georgien Shields, a gentle and accomplished lady of Nashville, Tennessee, became his wife and has borne him one child.

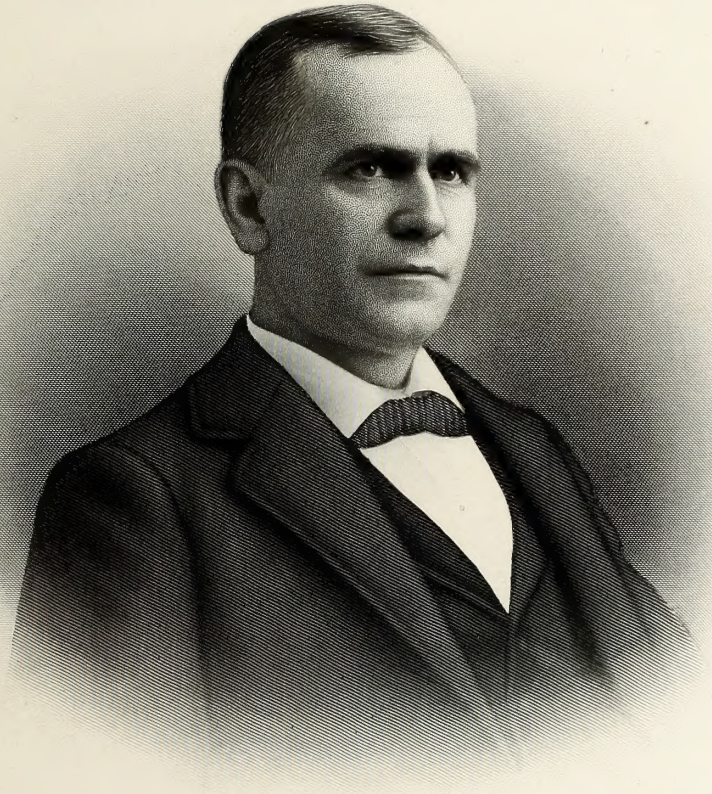
GRANVILLE S. HOSS,

SAINT LOUIS.

AMONG the attorneys whose distinguished merit has served to give the bar of Missouri so enviable a prestige among the States, there is none whose ability commands a more cordial recognition than that of Granville S. Hoss, who, having but recently removed from Nevada, Missouri, is now an honored member of the St. Louis bar.

Mr. Hoss was born in Pettis County, Missouri, October 29, 1850, and therefore, is now in the full vigor of physical and intellectual development. His paternal ancestors, of German origin, were early established in America, settling at Greenville, Tennessee. There the grandfather of the subject of this sketch was President of old Greenville College, illustrating in this honored position, the regard in which he was held by his fellows. Greenville was, also, the home of Andrew Johnson who, at that time, made the clothes for the college faculty. A coat made for President Hoss by the then unknown tailor is now in the possession of an aunt of Mr. Hoss, which coat she preserves as a memorial of her father and as a relic of the skill with the needle displayed by the future President of the United States.

Samuel B. Hoss, the father of the subject of this sketch, was reared and educated at Greenville, and for a long period filled the chair of Latin in Greenville College. In 1840, he came to Missouri, settled in Pettis County and there engaged in farming. Three years thereafter he married Almeda Snell (the mother of Granville), who was a member of a family resident in Missouri since the earliest pioneer days. Coming from Scott County, Kentucky, the Snells settled in Boone County, Missouri, while Missouri was yet a Territory, and they were esteemed as among the most influential members of the Kentucky colony of Central Missouri.



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Born in this great commonwealth, of a parentage of sturdy, sterling and honorable worth, Granville early developed those frank, sanguine, philanthropic characteristics and those personal traits which, among Missouri's worthiest sons, have marked him as a distinguished type. The foundation of his scholastic training was laid in the public schools and the superstructure erected at Westminster College, Fulton, Missouri. Recognizing the genius of his young pupil, one of the earlier instructors of Mr. Hoss secured from his father the promise that he would give his son a collegiate training. This was fulfilled in part by the father, when the son, relying upon his own resources, wrought out his own education in self-reliance and in intellectual training. Granville was not wanting in that finer ambition which makes men great and pure; hence, he sought in the study of the law the attainment of the ends of which he dreamed. On leaving school, he entered the office of Scott & Stone at Nevada, Missouri, where he fitted himself for that profession, and in 1874, was admitted to the bar.

Until the following year he occupied the office of his preceptors, when he opened his own office and practiced alone until 1881. During this period he made exceptional progress; his earnestness and ability winning the favorable opinion of both bar and public. At the dissolution of the firm of Scott & Stone in 1881, Mr. Hoss was, by Judge Scott, invited to take the place of the retiring partner, the firm name of the new partnership being Scott & Hoss.

He was now established. He had fought his life's greatest battle and had won. In the tranquil flow of the succeeding years, he sought the hand of Miss Julia, the beautiful and accomplished daughter of J. C. McBride, a well known farmer and educator of Monroe County, Missouri, and on October 10, 1883, they were united in marriage. Gifted with noblest traits, possessed of high literary culture and strong religious impulses, she had formed a lofty ideal of the aims and duties of life, and this ideal she saw realized in her husband. The affinity between this couple being one of sympathy in feeling and aspiration, nothing has ever arisen to break the happiness of perfect domestic concord.

The legal partnership formed in 1881 was, in 1886, dissolved by the death of Judge Scott, after which Mr. Hoss continued for three years to practice alone. Then, a second partnership was formed with his other legal preceptor, Hon. Wm. J. Stone, who at that time was making a record as one of the most brilliant members of the United States Congress. Mr. Stone was, in 1892, elected Governor of Missouri, which, of course, rendered a dissolution of the partnership necessary. During Governor Stone's official term, Mr. Hoss continued his practice, which had become very extensive, at Nevada, and at the expiration of that time, both he and Governor Stone removed to St. Louis where they are now associated. The reputation of both having preceded them to the metropolis, they at once came into a good practice.

Like all men of character and well-defined opinions, Mr. Hoss has always been deeply interested in every political movement, though he has never entered the arena as a politician. A Democrat, a member of the dominant political party in his State and County, a man of recognized ability and potent influence, he would doubtless have received any honor in the gift of his people had his ambition led him to take the initiative. Notwithstanding these facts, he has never accepted an office other than a wholly honorary or professional one. He served for two terms as City Attorney of Nevada, having been first elected in 1876 and served until 1880. During that period he was elected Prosecuting Attorney of Vernon County and served until 1882. Mr. Hoss has become an influential member of the Demo-

cratic party and is now a member of the State Democratic Central Committee; and, in recent years, he has represented a constituency at scores of conventions — district, county and State. In fraternal circles he is known as a brother in both Masonic and Pythian orders. In the former organization he is a Knight Templar and has served as a Master of Blue Lodge.

Mr. Hoss is strictly and thoroughly a lawyer. In rigorous precision of thought his training has been such as to enable him to move most readily to correct conclusions in considering the most intricate legal propositions. A remarkable innate knowledge of human nature, united with long years of experience in the practice of his profession, make him one of the most formidable members of the bar of Missouri. He is a superb cross-examiner; in this country having no superior and but few equals. His ability in the marshaling of facts, and his generalship in the hot trial of a case are truly wonderful. In argument he is keen, incisive, logical, powerful; in demeanor, frank, dignified, masterful.

The biographer may record the merits of our subject as a practitioner with never so facile pen, yet should his work end here, he would give us but a poor idea of the man — a vague, shadowy outline. It is not as a practitioner alone that we must look at him. Rightly to know him we must see him in all the relations of life — as son, as husband, as father, as friend, as patron, as citizen; in short, we must see him as he is — a man in the highest sense of that high designation. Though modest and reserved among strangers, yet with close acquaintances this reserve is thrown aside, disclosing a genial companion whose rich vein of humor and keen appreciation of wit give delightful entertainment, while instruction is added from the wealth of a broad and richly cultured mind. He is one, every impulse of whose nature has its source deep down in a big, warm, tender heart.

Four bright and interesting children, to whom Mr. Hoss is much devoted, have blessed his married life — two sons and two daughters: Granville S., Jr., Leroy K., Margaret Boone and Julia McBride.

LOUIS HOUCK,

CAPE GIRARDEAU.

OF her men of thought and action to whom Missouri will ever stand indebted, there is none more worthy her grateful appreciation than Louis Houck, of Cape Girardeau. One reason Missourians consider that they owe him much, is that perhaps no man within her borders has contributed more to the material development of the State than he. He has confined his efforts largely to that wonderful and Nature-blessed section known as Southeast Missouri, which contains the greatest diversity of good things the Universal Mother has given to man. With mild and salubrious climate and a variety of soils that will give anything asked of them, with her forests that yield a score or more of useful woods and her mountains which hold valuable stones of many sorts and a mineral richness including everything from iron ore to gold, her crying need has been railroads to develop and carry to the markets of the world her manifold richness. Louis Houck has given her these, and on this account alone the people of that part of the great commonwealth owe him a debt of gratitude which rests alike on the people of the entire State. But while of late years Mr. Houck has devoted his attention to the construction of railway lines, his first success in life was achieved through the law, and he is a lawyer of capability and experience.

Louis Houck was born near Belleville, Illinois, April 1, 1841. His father, Bartholomew Houck, was one of the oldest German newspaper men in the country. He was proprietor of one of the first papers published in the German language in Illinois. Coming to America from Bavaria in 1829, in St. Louis he met and married Anna Senn, who had reached this country from Switzerland in 1830. This marriage took place in 1837, and the couple went to reside near Belleville, where the subject of this sketch was born in 1841. In the same year they moved to a farm in Gasconade County, Missouri, remaining there until 1843, when they returned to St. Louis, where in 1848 the elder Houck began the publication of a German paper. In 1849 he became the editor of the Belleville Zeitung. Both parents are now dead.

Louis Houck received much of his earlier education in his father's printing office, than which there is no better school. But he was ambitious to obtain a complete education, and in 1858 he went to the University of Wisconsin at Madison, where he remained during that year and the next. Returning to Belleville he established the German Democrat, although it was with no intention of following editorial work as a career. He had chosen the law instead, and whenever his duties permitted, he prosecuted his legal studies. In 1861 he entered the office of Judge William H. Underwood and pursued his reading to a conclusion, and was admitted to practice by the Supreme Court of Illinois, in 1862, at Mount Vernon. In 1865, having disposed of his paper, he left Belleville and went to Cairo, Illinois, where he formed a partnership with Judge H. K. S. O'Melveny, one of the ablest lawyers of the southern point of the State. In 1868 the partnership was dissolved and Mr. Houck went to St. Louis, where he was appointed Assistant United States Attorney, General Noble then being the United States Attorney. In 1869 he went to Cape Girardeau, on which circuit he practiced successfully until 1881, when having become interested in railroad building, its demands on his time necessitated his retirement from the law.

While as a practitioner he displayed ability that placed him in the front rank of the profession, his legal reputation does not rest alone on his attainments as a practitioner. He is also the author of several legal works of value. In 1865 he published the first general work on the subject of "Mechanic's Liens;" in 1868 he published his work on the "Law of Navigable Rivers;" and in 1871–72 he edited and annotated the first fifteen volumes of the "Missouri Reports." While his writing has been largely on law subjects, he has a literary taste and power that would have enabled him to succeed in the general field of literature. His last legal literary effort is in the form of a paper read before the Missouri Bar Association in 1882. Its subject was the "Federal Courts," and as it is published in the Bar Association proceedings, any one who so elects can, through reading it, obtain a fair idea of Mr. Houck as a writer and a lawyer.

Since he retired from practice in 1881, he has engaged exclusively and extensively in railroad construction and management. The first road he built was the St. Louis, Cape Girardeau & Fort Smith, the mileage of which has been increased from time to time, until it now extends from Cape Girardeau on the Mississippi into Carter County, where it connects with the eastern terminus of the Current River branch of the Kansas City, Fort Scott & Gulf. This road is 100 miles long. He constructed and owns the St. Louis, Kennett & Southern, sixty-five miles long. The venture following this was the construction and operation of the Chester, Perryville & Ste. Genevieve Railway, extending through Perry and Ste. Genevieve Counties. He built Houck's Missouri & Arkansas Railroad, reaching from Commerce to Morley, in Scott County, and which is now extend-

ing to Moorehouse to a junction with the Cairo branch of the Iron Mountain. His fifth railroad ist he Kennett & Osceola, twenty miles in length, extending from Kennett into Arkansas. Mr. Houck is perhaps the most conspicuous projector and owner of railroads on his own account in Missouri. Of the more than 200 miles of railway lines mentioned, Mr. Houck owns all the stock except as much as is necessary to make them corporations. He has made some of them pay, too, and will sooner or later make all of them pay, which is more than many roads long established and extending hundreds of miles through developed territory have done in recent years.

Mr. Houck married Mary Hunter Giboney, of Cape Girardeau, December, 1872. They have three children, namely: Irma, Giboney and Rebecca Ramsey Houck. The Giboneys are among the oldest families of Southeast Missouri.

WARWICK HOUGH,

SAINT LOUIS.

WARWICK HOUGH, lawyer and jurist, was born in Loudoun County, Virginia, January 26, 1836, is the son of George W. and Mary C. (Shawen) Hough. His earliest Virginia ancestor was John Hough, who removed from Bucks County, Pennsylvania, to Loudoun County, about the year 1750, and there married Sarah Janney, whose family had also moved to Virginia from Bucks County, Pennsylvania, and who was great-aunt to John Janney, President of the Virginia Secession Convention of 1861, and the presenter of the sword of Washington to Robert E. Lee. John Hough was a grandson of Richard Hough, who came from Cheshire, England, to Pennsylvania, under the auspices of William Penn in the ship "Endeavor," landing in Philadelphia, in 1683. After the death Richard Hough, William Penn wrote of him: "I lament the loss of honest Richard Hough. Such men must needs be wanted where selfishness and forgetfulness of God's mercies so much abound."

Both the parents of Judge Warwick Hough were born in Loudoun County, Virginia—his father, April 17, 1808, and his mother, December 25, 1814—and they were married there in 1833. In 1838 they removed to Missouri, Judge Hough's father, who was at that time a merchant, bringing with him a stock of goods, which he disposed of in St. Louis. He then moved overland with his family to Jefferson City, which a few years earlier had been made the capital of Missouri. At Jefferson City, he continued in the mercantile line until the year 1854, when he retired from business pursuits. Prior to this he had been prominent and influential in Missouri politics, and had served with distinction as a member of the State Legislature. In 1854 he was the candidate of the Democratic party for Congress and engaged actively in the political controversies of the day, which were then of a very fervid character and plainly foreshadowed the great contest of 1860-1865. In conjunction with Judge William B. Napton and Judge William Scott, then on the Supreme Bench of Missouri, and Judge Carty Wells, of Marion County, Mr. Hough participated in framing the famous "Jackson Resolutions," introduced by Claiborne F. Jackson (afterward Governor) in the Missouri Legislature in 1849, which resolutions occasioned the celebrated appeal of Col. Thomas H. Benton from the instructions of the Legislature to the people of Missouri. These resolutions looked forward to a conflict between the Northern and Southern States, and pledged Missouri to a co-operation with her sister States of the

South. The leading Democrats of Missouri were then known as Calhoun Democrats, chief among them being David R. Atchison, William B. Napton, James S. Green, Carty Wells and Claiborne F. Jackson, and the bitter personal hostility existing between Calhoun and Benton was much intensified by these resolutions, the authorship of which Colonel Benton attributed to Calhoun. The result of the canvass was Colonel Benton's retirement from the United States Senate.

Soon after making his unsuccessful canvass for Congress in 1854, Mr. Hough was appointed by Governor Sterling Price a member of the Board of Public Works of Missouri, which was then charged with the supervision of all the railroads in the State to which State aid had been granted. For several years he devoted his entire time to the public interests in this connection, and rendered valuable service in conserving the interests of the State in these various railroad enterprises. He was frequently tendered positions in the government service, which would have necessitated his removal to the National Capital, but declined to accept such appointments. He was for a time Curator of the Missouri University, and, in conjunction with Dr. Eliot, of St. Louis, did much to benefit that institution. He was one of the founders of the Historical Society of Missouri, and a public man who contributed largely to the formulation of legislation essential to the development of the resources of the State. He had a knowledge of the political history of the country unsurpassed by that of any one in the State, and a superior knowledge also of general history, constitutional law and literature. He died at Jefferson City, February 13, 1878, respected and mourned not only by the community in which he lived, but by the people of the entire State. His wife, Mary C. Hough, daughter of Cornelius and Mary (Maine) Shawen, was the first person to receive the rite of confirmation in the Episcopal Church at Jefferson City. She was a woman of great refinement, of rare amiability and sweetness of temper, devoted to her husband, home and children, and at the time of her death, which occurred at Jefferson City, January 17, 1876, it was said of her: "The works of this quiet, Christian woman do follow her. They are seen in the character of the children she raised and trained for usefulness, in the number of young persons whom she influenced by her precept and example, to a higher life and nobler aim, and in the grateful remembrance of the many who have been the recipients of her kind attentions and unostentatious charities."

Warwick Hough, the son of these worthy parents, was reared at Jefferson City and obtained the education which fitted him for college in the private schools of that city. He was a precocious student, and at sixteen years of age, when the principal of the school he was attending was compelled by illness to abandon his place, he assumed charge of the school at the request of its patrons and conducted it to the end of the term, teaching his former school-mates and hearing recitations in Latin and Greek, as well as in other branches of study. At fifteen years of age, he had acted as Librarian of the State Library while the Legislature was in session. Entering the State University of Missouri, he was graduated from that institution in the class of 1854, with the degree of Bachelor of Arts, and three years later received his Master's degree from the same institution. As a collegian, he was especially noted for his fondness of the classics and of the sciences of geology and astronomy. He could repeat from memory page after page of Virgil and nearly all the Odes of Horace. In his senior year, he invented a figure illustrating the gradual acceleration of the stars, which was used for years after he left college by his preceptor, whose delight it was to give him credit for the invention. His superior scientific attainments caused him to be selected from the graduating class of the University in 1854 to make

some barometrical observations and calculations for Professor Swallow, then at the head of the Geological Survey of Missouri. Later, he was appointed by Governor Sterling Price, Assistant State Geologist, and the result of his labors in this field were reported by B. F. Shumard and A. B. Meek in the published geological reports of Missouri.

Before he attained his majority, he was chief clerk in the office of the Secretary of State, and he was Secretary of the State Senate during the sessions of 1858-59, 1859-60 and 1860-61. Meantime, he had studied law, and in 1859 was admitted to the bar. In 1860 he formed a law partnership with J. Proctor Knott, then Attorney General of Missouri, which continued until January of 1861, when he was appointed Adjutant-General of Missouri by Governor Claiborne F. Jackson. As Adjutant-General he issued, on the 22d of April, 1861, the general order under which the military organizations of the State went into encampment on the third day of May following. It was this order which brought together the State troops at Camp Jackson, St. Louis, the capture of which precipitated the armed conflict between the Federal authorities and Southern sympathizers in Missouri. Prior to his appointment as Adjutant-General, Judge Hough had had military experience as an officer in the Governor's Guards of Missouri, in which he had been commissioned First Lieutenant, January 17, 1860. He commanded the Governor's Guards in the Southwest Expedition in the fall and winter of 1860, under Gen. D. M. Frost. His appointment as Adjutant-General gave him the rauk of Brigadier-General of State troops and his occupancy of that position continued until after the death of Governor Jackson, when he was appointed Secretary of State by Gov. Thomas C. Reynolds. He resigned the office of Secretary of State in 1863 to enter the Confederate military service, and January 9, 1864, he was commissioned a Captain in the Inspector General's department and assigned to duty by James A. Seddon, Confederate Secretary of War, on the staff of Lieut.-Gen. Leonidas M. Polk. After the death of General Polk, he was first assigned to duty on the staff of Gen. Stephen D. Lee, and afterward served on the staff of Lieut.-Gen. Dick Taylor, commanding the Department of Alabama, Mississippi, East Louisiana and West Florida, with whom he surrendered to Gen. E. R. S. Canby, receiving his parole May 10, 1865.

The proscriptive provisions of the Drake Constitution prevented him from returning at once to the practice of his profession in Missouri, and until 1867 he practiced law at Memphis, Tennessee. After the abolition of the test oath for attorneys he returned to Missouri and established himself in practice at Kansas City, entering at once upon a brilliant and distinguished career as a lawyer. He soon became recognized as one of the leaders of the Western bar, and in 1874 was elected a Judge of the Supreme Court of Missouri.

During his ten years of service on the Supreme Bench — in the course of which he served two years as Chief Justice of that distinguished tribunal — he was conspicuous for his learning, his scholarly attainments and uncompromising independence. His style was sententious and pre-eminently judicial, and his opinions, which are noted for their perspicuity, are perhaps the most polished rendered by any Judge who has occupied a place on the Supreme Bench of Missouri in recent years. The style and quality of his judicial labors may be judged by reference to his opinions in the following cases:

Sharpe vs. Johnson, 59 Mo., 557; S. C., 76 Mo., 660; Rogers vs. Brown, 61 Mo., 187; Valle vs. Obenhause, 62 Mo., 81, dissenting (his views in this dissenting opinion were afterward approved by the Court in Campbell vs. Laclede Gas Company, 84 Mo., 352, 378; and Valle vs. Obenhause was formally overruled in Dyer vs. Wittler, 89 Mo., 81, after

Judge Hough left the bench); Turner vs. Baker, 64 Mo., 218; Smith vs. Madison, 67 Mo., 694; Noell vs. Gaines, 68 Mo., 649, dissenting (the views announced by Judge Hough in his dissenting opinion in this case were subsequently adopted by the Supreme Court in 1896, and the case of Noell vs. Gaines was overruled in Owings vs. McKenzie, 133 Mo., 323); McIllwrath vs. Hollander, 73 Mo., 105; Buesching vs. St. Louis Gas Light Company, 73 Mo., 219; State ex rel vs. Tolson, 73 Mo., 320; State vs. Ellis, 74 Mo., 207; Fox vs. Hall, 74 Mo., 315; Skrainka vs. Allen, 76 Mo., 384; and Fewell vs. Martin, 79 Mo., 401.

His independence in refusing to lend his judicial sanction to the spirit of repudiation of municipal obligations, with which many of the counties of Missouri were, for a time, infected, was the most potent factor in preventing his re-nomination, and in depriving the State of the more extended services of one of its ablest and most accomplished jurists. What was, however, a loss to the State was a gain to Judge Hough, for immediately after his retirement from the bench, he removed to St. Louis, and since 1884, has enjoyed a large and lucrative practice in that city.

The State University of Missouri conferred upon him the degree of Doctor of Laws in 1883. Politically, Judge Hough has always affiliated with the Democratic party, and held the views entertained by Mr. Calhoun as to the nature and powers of the Federal Government, and the reserved rights of the States. He is widely known to the Masonic fraternity as a thirty-second degree Scottish Rite Mason.

He married in 1861, Miss Nina E. Massey, daughter of Hon. Benjamin F. Massey (then Secretary of State of Missouri), and Maria Withers, his wife, of Fauquier County, Virginia, whose great grandmother was Letitia Lee, daughter of Philip Lee, grandson of Richard Lee, who came to Virginia in the time of Charles the First. In December of 1861, Mrs. Hough joined her husband, who was then, with Governor Jackson and other State officers, with General Price's army in Southwest Missouri, and remained South during the entire period of the Civil War, making her home at Columbus, Mississippi, in the military department to which her husband was assigned after entering the Confederate service. Of Judge Hough's five children, two are sons and three are daughters. His eldest son, Warwick Massey Hough, was graduated from Central College, of Fayette, Missouri, in the class of 1883, while Bishop E. R. Hendrix was President of that institution, as one of the honor men of his class, winning two prizes, one for elocution and the other for oratory. He is now a lawyer of recognized ability, practicing his profession in St. Louis, and for several years was Assistant United States District Attorney. Judge Hough's second son, Louis Hough, was graduated at the Missouri Medical College, of St. Louis, in 1891, and is now Chief Surgeon of the St. Geronimo Railroad, in process of construction from the Tehauntepec Railroad, in the Republic of Mexico, to the State of Guatemala.

Judge Hough has two brothers and three sisters. His oldest brother, Dr. Charles Pinckney Hough, is a graduate of the Missouri Medical College, of St. Louis, and now lives in Salt Lake City. He has high rank as a physician and surgeon, and has had extended observation and experience in the hospitals of England, France and Germany. The youngest brother, Arthur M. Hough, is a lawyer and resides at Jefferson City, Missouri, the place of his birth. He ranks well at the bar, has taken much interest in Masonry, and has been Grand Master of the Grand Lodge of Missouri. The eldest of Judge Hough's sisters married Dr. George B. Winston, of Jefferson City, a physician of note, and survives him. His second sister is the wife of Captain John P. Keiser, of St. Louis, and the third, Georgie B. Hough, is unmarried.

GEORGE HUBBERT,

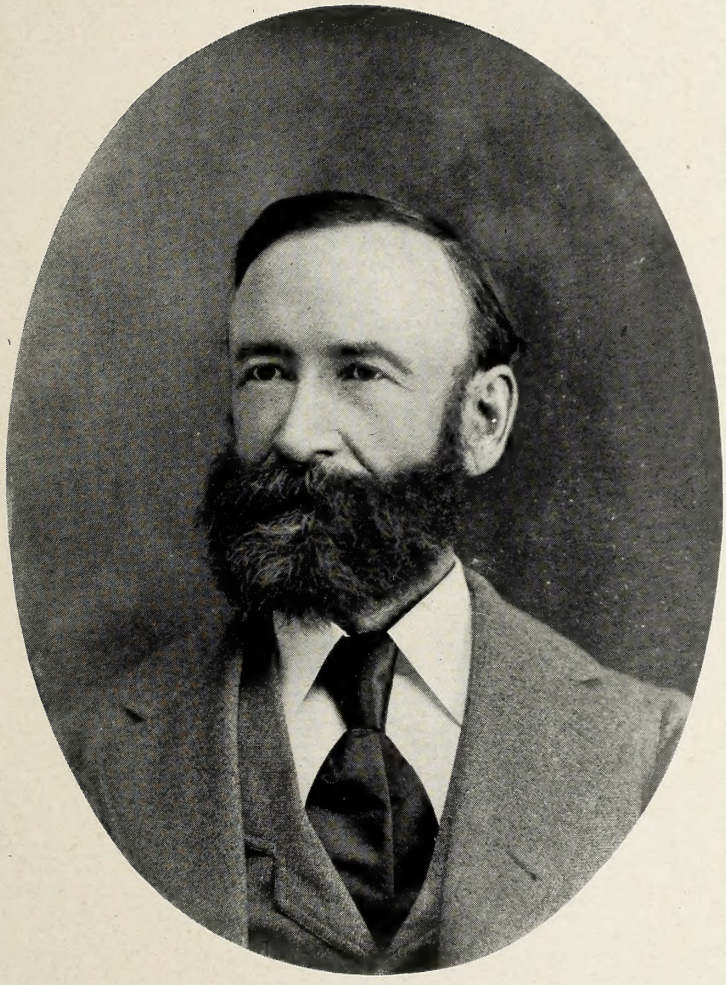
NEOSHO.

THE Huguenots of France were remote ancestors of a number of Missouri's lawyers, and to these brave and fearless protesters against oppression, George Hubbert of Neosho traces his origin. In his case, the Huguenot stock was intermingled with the blood of the Lees of Virginia, a noteworthy combination, to which can perhaps be traced the ease with which he has succeeded in the profession of his choice.

He was born in Barry County, Missouri, on October 14, 1844. His father, William Hubbert, served for several continuous terms as Clerk of the County and Circuit Courts of Barry County, before the war; then he entered the Southern army, doing duty on many famous fields, and at the close of the conflict returned to his home at Cassville, and as late as 1873 succeeded his son George as Probate Judge of Barry County. His death occurred in Arkansas in 1895. Nancy Lee was the maiden name of George Hubbert's mother. She was the daughter of Miller Lee, of Barry County, was of English origin, her ancestors having originally settled in the western part of Old Virginia, and belonged to the famous Lees of that State, who have figured so prominently in the history of the Republic. She died several years prior to the decease of her husband. Matthew Hubbert, the grandfather of the subject of this sketch, a Tennesseean, was descended from those Huguenots, who to preserve their religious liberty came to our shores from France two hundred years ago, landing in the Carolinas and spreading thence through the adjoining States. Matthew Hubbert and Miller Lee emigrated to Missouri in 1839, settling in Barry County. Both branches of the family have been Missouri farmers of the old style for more than fifty years, wresting a livelihood from the soil through natural pluck and persistency. With such a sturdy parentage, it is small cause for wonder that George Hubbert has attained his present high position among the lawyers of Southwestern Missouri.

He obtained his education in the common schools of Barry County, to which was added the practical and business training acquired in newspaper, printing and Circuit Court Clerk's offices and mercantile pursuits, up to the war of 1861, after which he studied law in the office of Judge Joseph Cravens, being admitted to the bar at Cassville, in 1868, by Judge John C. Price. After practicing at Cassville for five years, he opened an office in Neosho, where he has since practiced continuously.

Although not an office-seeker in the political sense of the term, Mr. Hubbert at the time of his removal to Neosho, held the office of Probate Judge, having been chosen for that position at a special election, the first held in the State after the removal of the disabilities imposed on Confederates by the "Drake Constitution." Mr. Hubbert, though his opponents were a war Democrat and a Republican, won by more than twice the number of votes obtained by both of the other candidates. This was a signal triumph and a testimonial of the confidence of his fellow-citizens, extended early in his professional career, of which any man might well be proud, and which his later life has fully justified. Though often since invited to accept nomination for office (which would be equivalent to election), he has continually declined, preferring to devote his time and talents entirely to the practice of law. There is no doubt that his choice in this matter is a wise one, because he has demonstrated for nearly thirty years that as a lawyer he has ability above the common average of men, combined with an energy and perseverance which will not admit of failure. His practice is an extensive and lucrative one, embracing in its scope some of the largest interests in his section of the State, as well as the best and most influential citizens.



Geo. Hubbert

Like his father, George Hubbert, who was then little more than a youth, fought on the Confederate side in the late Civil War, enlisting in 1862 in Mitchell's Regiment, Eighth Missouri Infantry, D. M. Frost's Brigade, C. S. A., serving until the end of the struggle and taking part in many of the battles fought in the Louisiana and Arkansas campaigns. When Gen. John B. Clark, in command of the brigade, surrendered at Shreveport, Louisiana, in 1864, young Hubbert doffed his uniform as Lieutenant of Company I, and with him the war was ended and all its bitterness. His broad patriotism and appreciation of the valor of his former foes were evinced in high degree by an address at Neosho in 1885, on the life and services of the late General Grant. This address was widely circulated by the local G. A. R. organization, as one of the highest tributes by a Confederate, to that magnanimity of the Federal soldier which made possible a reunited and happy country. His military discipline was of much value to him later in life as a lawyer, he evincing in business a correctness of method and a degree of decisiveness which perhaps he would not have had were it not for his army experience.

Like all men who are patriotic enough to give volunteer military service, he takes an intense interest in the welfare of his county and town, and therefore can always be found fostering any movement for the advancement of Newton County and Neosho. His civic pride is pronounced and the progress of the community is as gratifying to him as his own professional success. As a Mason, Odd Fellow, Ancient Order of United Workman and member of other fraternal organizations, he has proved himself fraternal and generous to an unwonted extent, standing high in the local councils of the various orders, though in later years arduous professional duties have largely absorbed his time.

Mr. Hubbert's marriage occurred in August, 1872, when he wedded Miss Mollie Fullbright, of Springfield, at Cassville. She was a daughter of David Fullbright, of Greene County, Missouri, the Fullbrights being one of the best known families in Southwest Missouri. There are four children by this union, two boys and two girls, the only married one among them being one of the boys.

ELLIOTT McKAY HUGHES,

MONTGOMERY CITY.

LIKE many another lawyer who has displayed an ability and achieved a success worthy of a place in this volume of the elect of the Missouri bench and bar, Judge Elliott McKay Hughes is derived from Virginia-Kentucky stock. His father, Elliott Hughes, born in January, 1809, was a native of Bourbon County, Kentucky, and was a son of Thomas Hughes, who was a native of Virginia, but made a settlement in Kentucky when it was still a wild and untamed wilderness. At Jacksonville, Illinois, Elliott Hughes was married to Jane Sandridge McConnell, in January, 1836, both the contracting parties having moved to Morgan County, Illinois, with their respective families, a short time previous to the marriage. Jane Sandridge McConnell was the daughter of John McConnell, and like her husband, came from Bourbon County, Kentucky, where she was born in April, 1811. Five years after the marriage, or in 1840, the parents moved westward, settling in Montgomery County, Missouri. Shortly after the settlement they moved to the adjoining county of Lincoln, and in 1845 again moved to Montgomery County. It was during their residence in Lincoln County that their son, the subject of this sketch, was born, November 7, 1844.

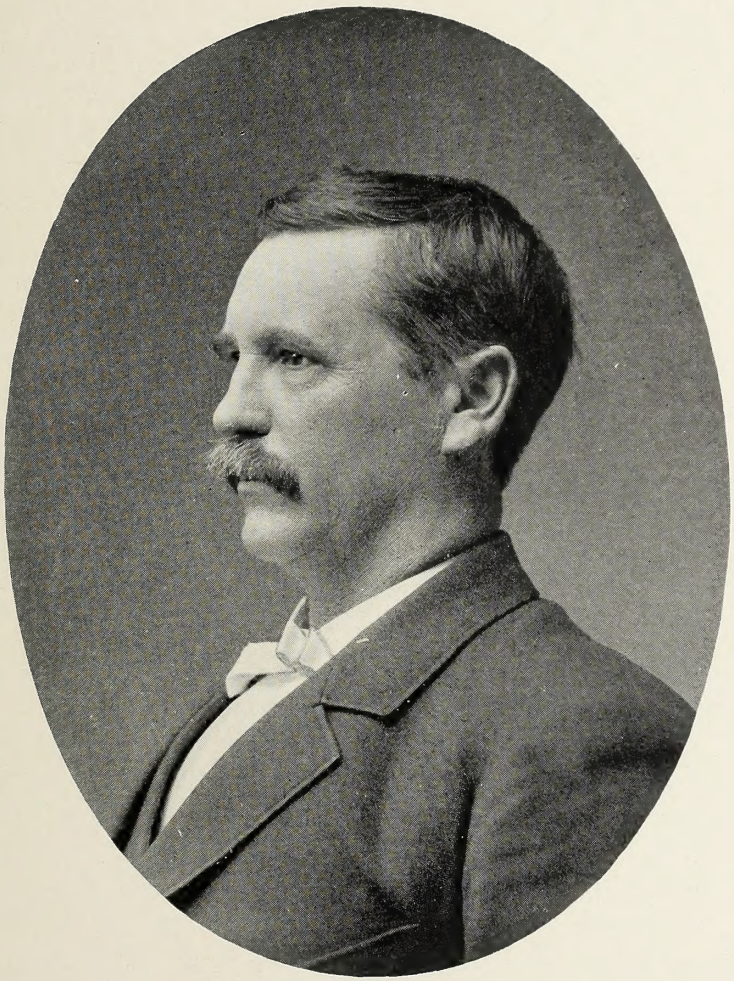
Young Elliott was educated in the common schools of Montgomery County, and at High Hill, Montgomery County, Missouri. As so many prominent lawyers of this country have done, he taught school as a means to achieve his ambition — the law. He was a teacher of schools in Adams County, Illinois, Pike County, Illinois, and Montgomery County, Missouri, and then went to Jacksonville, Illinois, where he entered the office of Morrison & Epler to study law. Both were lawyers of ability, and Mr. Epler for the past thirty years has been Judge of the Circuit Court of Jacksonville. When the young legal aspirant completed his reading he returned to Montgomery County and was there admitted to practice in April, 1867, by Judge Gilchrist Porter. He located at Danville, the county seat of Montgomery County, and at once began practice, enjoying a reasonable degree of success from the start. The people of his county, recognizing his fitness for the office through his former avocation as a teacher, in 1870 elected him School Superintendent of Montgomery County, a position he held for two years. At the end of his term, in 1872, the office of Prosecuting Attorney for the county having been established, he was elected to that position, which he filled with such conscientious devotion to duty that he was twice re-elected, serving through three terms.

Judge Hughes lived at Danville until January 1, 1887, when he took his seat on the Circuit Bench, to which he had been elected in the fall of 1886. This necessitated his removal to Montgomery City, the largest town of Montgomery County, and there he has since resided. Upon his election in 1886, his circuit was composed of the counties of Montgomery, Audrain, Pike and Lincoln. In 1892, his term having expired, he was elected as his own successor, the boundaries of his circuit having been changed in the meantime to consist of the counties of Montgomery, Warren, Audrain, St. Charles and Lincoln.

Judge Hughes is a Democrat and has been since he cast his first vote. He is influential in secret society circles, being a Royal Arch Mason, an Odd Fellow and a member of the A. O. U. W., and has held about all the offices in the lodges to which he belongs.

Judge Hughes was married at St. Charles, Missouri, December, 11, 1872, to Miss Virgie F. Potts, daughter of John J. Potts, a native of Loudoun County, Virginia. Judge and Mrs. Hughes are now surrounded by a most interesting family of seven children, six sons and one daughter, named respectively, Virginia, twenty-four; Guy, twenty-two; Will, twenty; Samuel, eighteen; Elliott, sixteen; Charles, fourteen, and Robert, eleven. The daughter, Virginia, was married September 15, 1897, to Ernest S. Griffith, of Minneapolis, Minnesota.

In temperament Judge Hughes is calm, cool and patient, characteristics of the highest value on the bench. He likewise has that discriminating, analytical turn of mind which well fits him for the position he occupies. His integrity is unquestioned and his course on the bench has won him the highest commendation of the people he serves, A fair idea of the esteem in which he is held may be gathered from the following editorial extract, which appeared in the Lincoln County News of a recent date: "As his term on the bench is drawing near its end, a number of leading citizens of the circuit are exercised over the question as to whether Judge E. M. Hughes will or will not be a candidate to succeed himself. The News cannot say whether or not Judge Hughes has signified his intention of again becoming a candidate, but of this it is certain: No wiser, abler, fairer or more upright Judge ever sat on this bench. Lincoln County is for him and will be as long as he



E. M. Hughes.

chooses to aspire to the place. Our patriotic citizens are impressed with the necessity of preserving the purity of our judiciary, and that is why they are anxious that Judge Hughes should continue to occupy the place he does.''

GEORGE WASHINGTON HUMPHREY,

SHELBINA.

GEORGE WASHINGTON HUMPHREY, of Shelbina, is a native of Illinois, having been born on a farm near Springfield, August 21, 1865. The Humphreys are of Irish extraction, though long resident of this country. William Henry Humphrey, the grandfather of George W., was a native of Henry County, Kentucky. Our subject's mother was Mary S. Rodefer, a native Missourian, who was born in Marion County. Her father was David Rodefer, a native of Virginia, who early emigrated to Missouri. The Rodefers were of German origin. Mary S. Rodefer was married to William Thomas Humphrey, the father of our subject, in Lewis County, Missouri, in 1852. The latter was born in Henry County, Kentucky, and with his career is connected one of the most romantic and thrilling episodes in the history of Missouri.

In the fall of 1862 he was a resident of Palmyra, and his connection with what is known as the ''Palmyra Massacre'' was the most vivid recollection of his after life. Tradition tells that on that fatal morning of the 17th of October, 1862, ten men were seized as hostages and lined up to be shot. They were nearly all leading citizens of Palmyra, men who had tried to avoid the strife of the conflict, and were certainly not rebels. There was at least one man of family in the lot. Rather than that he should suffer and his wife and children mourn, a young man with a heroism and unselfishness unequalled since the days of Damon and Pythias, stepped forward and offered himself as a sacrifice in his place. William T. Humphrey was that man of family. But tradition is inaccurate, tending as always toward the romantic and ideal. It is true that Mr. Humphrey was condemned to be shot, and that another died in his place, but the latter did not offer himself of his own volition, as a ''vicarious atonement'' in satisfaction of a butcher's thirst for blood.

The true story, as gathered from Mr. Humphrey and others, is to this effect: In the fall of 1862, Colonel Porter, with his Confederate forces captured the town of Palmyra. After he evacuated it, it was occupied by General McNiel, infamous forever because of the crime he committed there. Shortly thereafter, a man named Osborne, an ex-soldier of the Third Missouri Federal Cavalry, but reputed to have been later a spy, disappeared. McNiel supposed he had been captured, and sent a message to Colonel Porter, commanding the Confederates in the vicinity, to the effect that if Osborne was not produced by October 17, that he (McNiel) would execute ten of the best citizens of Palmyra. Major John N. Edwards says that Porter never received the message until the awful act of retaliation had been committed, and could not have produced Osborne, as he knew nothing of him, had he received it in time.

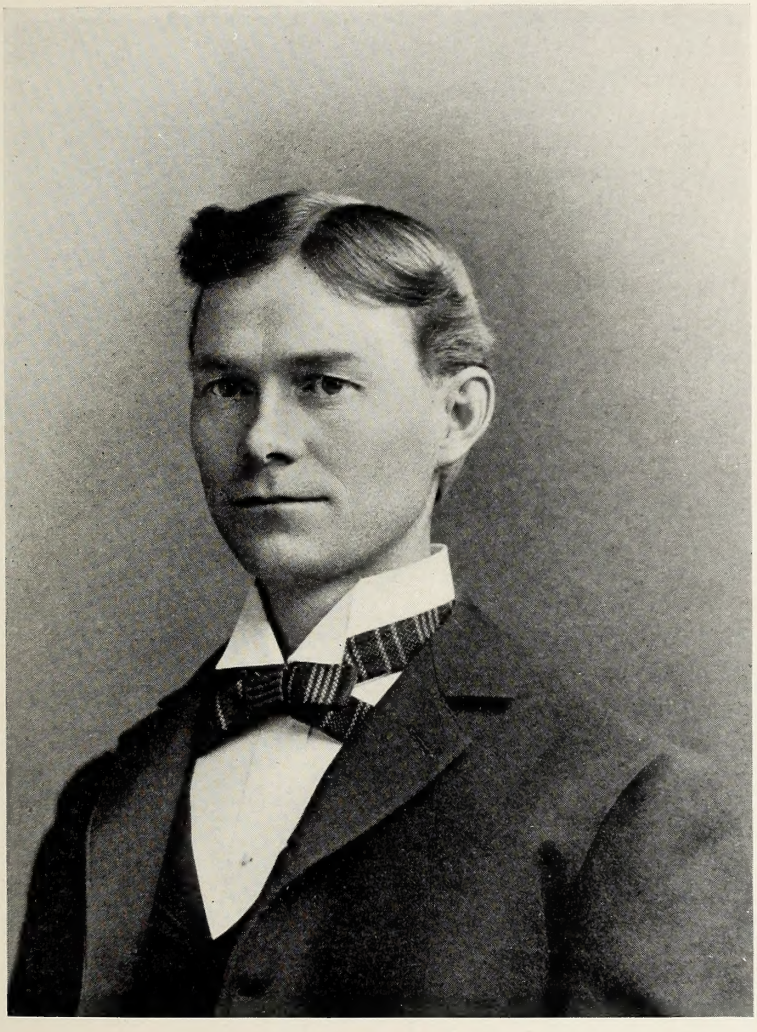
The fatal day arrived and Mr. Humphrey was one of those who was ordered to prepare for death. When his wife heard of his condemnation, she made such frantic and eloquent appeal to McNiel and was so persistent that he finally consented to let the husband go on her account. But his Provost Marshal, a man named W. R. Strachan, who entered into the

details of the execution with the spirit and enthusiasm of the real butcher, swore that nothing less than the original complement of ten men would satisfy him. When he received notice of McNiel's action he was at the jail where the ten men were already preparing for execution. The "weakness" of his superior officer did not please him at all, and when he made the declaration that some one would have to die in Humphrey's place, Reed, the jailer, said: "If that is so, for God's sake select some man without a family!" Just then young Hiram Smith, who had come to town to see one of his friends who was of the condemned, and who had just climbed the stairs to the second story of the jail, was seen by Strachan. The latter inserted Smith's name in the death warrant where Humphrey's had been erased, stepped before the unhappy visitor and began reading the death warrant. Smith had been condoling with the other condemned men in the cells, and was weeping when the Provost Marshal began to read his death warrant. He dried his eyes at once, walked to a near-by bucket and took a drink of water, and again facing his executioner, said quietly and without a tremor in his voice: "I can die as easily as I took that drink of water." And so he did, too.

The Humphrey family always felt deeply grateful to the young hero who so bravely died in the place of another, though that act was not of his own volition, and thus it was that the son of the man in whose place Hiram Smith died, always cherished the resolution to some day properly set forth to the world the heroism of this victim of war hatred. It was not until he had entered on a career for himself that he was able to erect the beautiful granite shaft that now stands above the young martyr's grave. On the stone is this inscription:

THIS MONUMENT IS DEDICATED TO THE
MEMORY OF
HIRAM SMITH,
THE HERO THAT SLEEPS BENEATH THE
SOD HERE, WHO WAS SHOT
AT PALMYRA,
OCTOBER 17, 1862,
AS A SUBSTITUTE FOR
WILLIAM T. HUMPHREY,
MY FATHER.
GEORGE W. HUMPHREY.

As noted above, George W. Humphrey was born after the tragedy from the results of which his father so narrowly escaped. After these stirring events at Palmyra, the latter moved to a place near Springfield, Illinois, where his son was born. After the declaration of peace the father returned to Missouri, locating in Lewis County, in which he had formerly lived, and at whose county seat he so nearly lost his life. There the son was educated in the district schools, passing from them to the high school at Lewiston. His education was completed at La Grange College, in the same county, where he graduated in the class of 1890. Like many other lawyers he began his career as a school teacher. He taught one term of district school in Shelby County, and then rose to the position of principal of the schools of Shelbyville, the county seat. At the end of the latter term, in 1892, he entered the office at Shelbina, of Hon. Richard P. Giles, at the time of his death in 1897 the



R. W. Kennedy.



Thomas F. Hurd

Representative in Congress from the First District. He was admitted to the bar at Shelbyville in April, 1893, by Judge Andrew Ellison, located at Shelbina, and has progressed most satisfactorily. At present he is the partner of Samuel E. Ellison, son of Hon. Andrew Ellison, Judge of the Second Judicial Circuit, under the firm name of Humphrey & Ellison. At this date Mr. Humphrey is City Attorney of Shelbina, is attorney for the Bank of Shelbina and already has a most satisfactory practice. He is a brother in the Independent Order of Odd Fellows, is also a Knight of Pythias, and the fraternal esteem in which he is held is shown by the fact that he has held all the chairs in the lodge of the last named organization. He is a Democrat in politics, and his political principles are founded on conviction.

Mr. Humphrey is young, but he has already given indications of a fitness for his profession, which is an assurance of future success. There is no higher compliment to the character and fidelity of any man than the fact that his neighbors select him to act as the trustee of various funds. It is notable that Mr. Humphrey has a large volume of this kind of business, and that he is nearly always the administrator or trustee of several large estates. His practice is largely civil and commercial. He has given little attention to criminal law, though at the present time he is the attorney for the defense in the case of State vs. Smock—a case that involves many difficult propositions.

Mr. Humphrey was married October 25, 1893, shortly after beginning law practice, to Miss Gertrude (List) Warren. She was a popular young lady of Shelbina at that time, and is the adopted daughter of William H. Warren, President of the Bank of Shelbina. The union has proved a most felicitous one, and has been blessed by one child, William Warren Humphrey, aged three years.

THOMAS FRANKLIN HURD,

PARIS.

SOMETHING more than eleven years ago a young lawyer was admitted to the bar of Missouri, at Paris, by Judge Theodore Brace, and he has since proven that the profession of his choice is one eminently suited to his character and talents. This was Thomas Franklin Hurd, who was born January 15, 1863, on a farm near Florida Post-office, in Monroe County, Missouri. He is the son of Thomas W. Hurd, a native of Harrison County, Kentucky, who emigrated from that State to Missouri about the middle of the century. The Hurds were originally English, Thomas Hurd, the grandfather of the present Mr. Hurd, being by birth a Virginian, and serving with distinction in the war of 1812. The father of Thomas Franklin Hurd married Miss Margaret I. Kerr, who was also a native of Virginia, being a daughter of John Kerr, who came from Augusta County, Virginia, and was of Scotch-Irish extraction. The parents of Judge Thomas Franklin Hurd were married in Monroe County, Missouri, in 1844, and had seven children, four boys and three girls, the Judge being the youngest. All of the family are yet alive, with the exception of the mother, who died in August, 1896.

After several terms in the common schools of Monroe County, Judge Hurd pursued his studies in Monroe Institute, at Monroe City, Missouri, until 1882, after which he entered the Missouri University, graduating there in the law class of 1886. In the same year he was admitted to practice at the Missouri bar by Judge Brace, and has practiced

continuously since, confining the field of his operations to the highly developed and civilized section around Paris.

During his career as a lawyer, Judge Hurd has gained not only name and fame among his numerous clients, but by his unvarying professional courtesy, he has earned the respect and admiration of his brother lawyers regardless of the competitive spirit which is natural to them; and in this perhaps may be found the chief reason of his popularity among his brethren. His section of the State is thick with friends who heartily speak in his praise as a lawyer and a gentleman, he having that stalwart integrity and high degree of professional etiquette which can be attained only by those who are sincerely enthused with the work of their profession.

The responsible office of Judge of the Probate Court of Monroe County was conferred upon him in 1890, and the honor was repeated in 1894, both of which terms he filled with exceptional efficiency and to the entire satisfaction of his constituents.

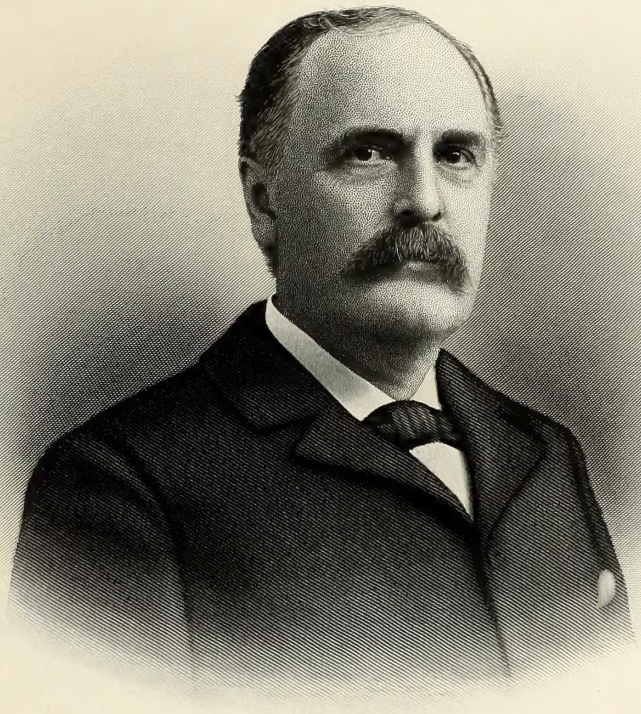
It might safely be said that the fundamental trait in his character as a lawyer is an ardent love for his profession, and it is in this perhaps that one can find the secret of his success in life. Being a man with the highest sense of honor, it is no cause for wonder that he enjoys widespread popularity as a lawyar and a public official in Monroe County. Judge Hurd is the most approachable of men and as modest as his warmest friend could wish. His open and cheery countenance indicates the honesty of mind and serenity of soul which distinguishes him. He is endowed with a public spirit and progressiveness which have proven beneficial to his fellow-citizens. He has always had the welfare of the community at heart, and has ever been in the van of the enterprising citizens of Monroe County. He is a member of the Masonic order, being a Royal Arch Mason, and one of the most active in the fraternity in his part of the State. In politics he is a Democrat, and the party has for several years felt the influence of his endeavors in its behalf.

Judge Hurd was married September 22, 1887, at Florida, Monroe County, Missouri, to Miss Maggie McCreery, the beautiful daughter of Robert McCreery, one of the most prominent merchants in the county.

GEORGE PARK B. JACKSON,

SAINT LOUIS.

THOSE who read these memoirs attentively will be struck by the fact that many of those lawyers of Missouri who have distinctively legal reputations of high degree are those practitioners who have refused political office and preferred their legal practice as a means of making name and fame. Such a man is George Park B. Jackson, of St. Louis, who, while a typical Missourian to-day, was born in Pittsburg, Pennsylvania, November 28, 1846, while his mother was visiting her mother. The father of Mr. Jackson was George Jackson, an Englishman born and bred, who established himself in the South at an early day, and engaged in sugar planting and other enterprises. The mother was Anna A. Gillis, a native of Philadelphia. The father of Miss Gillis (the maternal grandfather of Mr. George P. B. Jackson) emigrated to these shores from the North of Ireland at an early year in the century, his departure from his native land being enforced by the holding of political opinions objectionable to the English crown. The move was most fortunate, however, as has been proven in the case of himself and his descendants.



Geo. P. B. Jackson

Legal Publishing Co St Louis

The youth of George P. B. Jackson was to a degree unusual and changeable. After obtaining a practical education in the schools of Dayton, Ohio, he prepared to attend the famous University of Virginia, which was prevented by the Civil War. His father being in Louisiana and his family unable to return to him, they, on account of their Southern sympathies, were forced to seek a refuge in Canada, where until the close of the great struggle they formed part of the colony of Americans in that country. In 1863 and 1864 Mr. Jackson pursued his law studies in the University of Michigan. While in Canada he had the great good fortune to fall in with Judge William Pryor, afterwards Supreme Judge of Kentucky. Chief Justice Joshua Bullett was another of the valuable friends he made, as was also Frank Rodman, who subsequently was made Attorney General of Kentucky. With these able men he studied law for one year, commingling his legal studies with the study of Latin, Greek and French, in which languages he proved himself most proficient.

After the war, in 1865, the father, who had then joined his family in Canada, returned to Louisiana and sought to rebuild his fortunes which had been shattered by the war; but the son continued the study of law, and was admitted to practice by the Supreme Court of Louisiana in the autumn of 1866. Thibodeaux, Louisiana, was the scene of his legal labors for two years, and during the year 1868, while he was seeking a new location in the Northwest, he was nominated for District Attorney by the Democrats at his old home. He determined to settle in Missouri, and on account of his health he at first located on a farm in Pettis County, with headquarters at Sedalia. His farm life lasted until 1873, when he began the practice of law in Sedalia.

The only office he has ever cared to hold has been that of Prosecuting Attorney of Pettis County. Being elected both in 1876 and 1878, in this capacity he acquitted himself with so much ability as to win the encomiums of his confreres and the public. While in this office he secured the first conviction in a capital case and the first enforcement of the death sentence that ever occurred in that section. In 1879 he became a partner of Judge John F. Philips, and when the latter went to Congress in December of that year, he left the entire business of the firm in the hands of Mr. Jackson, which action betokened the appreciation the eminent jurist had of his colleague's talents. Judge Philips was appointed State Supreme Court Commissioner in 1882, which dissolved the partnership, and Mr. Jackson practiced alone for three years, when he entered into partnership with John Montgomery, under the firm name of Jackson & Montgomery. This professional association continued until Mr. Jackson left Sedalia for St. Louis. This was in May, 1895. The Missouri, Kansas & Texas Railroad went into the hands of a receiver in 1888, and Jackson & Montgomery were employed as attorneys. After the receivership Mr. Jackson became General Attorney for the company, and in 1895 his office was removed to St. Louis.

It is a matter for small wonder that with the excellent opportunities which have been granted him, and which he has improved so thoroughly, he has achieved his present high standing in the profession. He is so exclusively and completely a lawyer as to exclude everything that would lessen his effectiveness in that field. Although frequently offered the nomination for Congress from his old district (which is the equivalent of an election), he has always declined to accept, preferring to stick to his legal practice and gain the commendation that worth and excellence therein inspire. Every one of his later years has enhanced his standing and reputation, while experience has increased his proficiency and skill. Yet, with all his years of experience he is optimistic and sanguine in temperament, and it may be that these qualities have much to do with his success in life.

Mr. Jackson married Miss Mollie Vest, of Sedalia, in September, 1877. She is the daughter of Senator George G. Vest, and by her he has three children, George Vest Jackson, Margaret Sneed Jackson and Sallie Vest Jackson, a bright and beautiful trio, who inherit the intelligence of their father and grandfather and the grace and beauty of their mother.

JOHN MARTIN JAYNE,

MEMPHIS.

IT was on a farm in Scotland County, Missouri, that John Martin Jayne first saw the light of day, the date of his birth being November 27, 1858. Samuel Eggleson Jayne was his father, and his mother's maiden name was Fannie Elizabeth Crowley. The father of Mr. Jayne was a native of Pendleton County, Kentucky, where he was born November 23, 1816. There is German and English blood in the family, coming through the father. Mr. Jayne's mother was of English descent and was born in Clay County, Missouri, April 15, 1835, and her marriage occurred in Scotland County in 1852. The mother died in 1888, but the father still lives. Samuel Eggleson Jayne will always be kindly remembered as the friend of public schools and as a farmer of the progressive class.

The common country district schools of Scotland County laid the foundation of Mr. Jayne's knowledge and success. Then he attended La Grange College, at La Grange, Missouri, and leaving there in 1877, he read law in the office of Judge E. R. McKee, who is now Judge of the First Judicial Circuit of Missouri. He was admitted to the bar in May, 1879. His first partnership was with Louis Meyers, but in 1883 he formed a partnership with Judge McKee under the name of McKee & Jayne, the partnership ending in 1896, when McKee was elected to the bench. Mr. Jayne now works alone. He is licensed to practice in the United States Courts, as well as Missouri Courts, and is an envied member of the bar in his community.

He was City Attorney of Memphis for four years, then Prosecuting Attorney of Scotland County from 1892 to 1896 (inclusive). This meant two terms. Judge E. B. Adams appointed him United States Commissioner for the Eastern District of Missouri for a term of four years from July 12, 1897. As director of the Scotland County National Bank he has proven himself as wise in finance as in law. He is attorney for the Keokuk & Western Railway and his many responsibilities have been ably and conscientiously discharged by him.

His Masonic record is worthy of mention here. He is a member of Memphis Lodge, No. 16, A. F. and A. M., Royal Arch Chapter, Eastern Star of Memphis, and Memphis Commandery of the Knights Templar. He is also a member of Moila Temple of the Mystic Shrine, of St. Joseph, Missouri. As a Democrat of the active and useful kind, his eloquence and advisory services have been of vast benefit to the party. Organization and convention work have been his main successes. Still he would prefer to be known as a lawyer and not as a politician, because all his greatest victories have been in the courts. He has been Chairman of several District Conventions, with profit to the Democratic party.

The wife of Mr. Jayne was Miss Minnie P. Redd. The marriage occurred at Palmyra, Missouri, November 27, 1884. Her father was Judge John T. Redd, the well-known Cir-



J. M. Jayne

cuit Judge, who for twenty-five years was known as one of Missouri's most eminent jurists. The aged and talented James O. Broadhead, of St. Louis, is an old friend of Judge Redd, and is fond of telling of the ability of the talented barrister in court cases in which both have been interested.

SAMUEL BROADDUS JEFFRIES,

CANTON.

SAMUEL BROADDUS JEFFRIES, of Canton, Assistant Attorney-General of Missouri, is descended from noble English stock by both sides of his family, but all his ancestors have been residents of America long enough to have won Revolutionary records and to establish reputations by the standard of merit rather than birth. The Jeffries family settled in Virginia on coming to America, and in Fauquier County, of that State, Jeremiah Jeffries, the grandfather of our subject, was born. It seems that he removed to Culpepper County, for there his son, William M., the father of Samuel, was born. William M., when he reached the estate of manhood, came West, and here in Missouri met and married at Canton, in Lewis County, in 1865, Elizabeth Smallwood, who became the mother of Samuel B. Elizabeth was a daughter of Elijah Smallwood, and a native of Pennsylvania, where the family settled on coming from England in early days. Several members of both branches of Mr. Jeffries' ancestral tree won distinction in the American war of emancipation from British rule. The Jeffries from time immemorial have been Baptists, a number of the family having become conspicuous in the history of that sect in the Old Dominion. Mr. Jeffries, following the ancestral religious tendency, is a conscientious and active member of that church in Canton. Both his parents are alive, residing in that town.

Samuel Broaddus Jeffries was born on a farm near Canton, Missouri, February 3, 1869. The rudiments of his education were acquired in the public schools near his home, from which he passed to La Grange College, located in his home county, and which is one of the chief educational institutions of Northeast Missouri. He graduated in the class of 1889, and prior to this, having made up his mind to adopt the law, he at the opening of the next term, went to St. Louis and entered the St. Louis Law School. When proficient, he returned to Lewis County and was duly licensed to practice in 1890 by the Circuit Court sitting at Monticello. In the same year he located at La Grange, Lewis County, and began practice as a partner of Hon. Horace P. Tate. This association lasted two years, and then on its dissolution, Mr. Jeffries formed a partnership with the venerable Judge John C. Anderson, of Canton, and removed to that place, where he has since resided.

In 1894 Mr. Jeffries was elected Prosecuting Attorney of Lewis County, on the Democratic ticket. He gave the people such efficient service that they willingly accorded him a second nomination and a re-election in November, 1896. He served only eleven days of his second term, however, and resigned January 11, 1897, to accept the position of Assistant Attorney General of Missouri, under Attorney General E. C. Crow. He still holds this position and is notable as one of the youngest men who ever occupied the place.

For the past ten years Mr. Jeffries has devoted himself to study in a way that clearly demonstrates his recognition of the fact that "knowledge is power." He is a close and careful student and is inspired by the ambition to become thoroughly learned in the ethics

of his profession. He has a high conception of the honor and dignity that pertains thereto, and his constant effort is to merit the honors and rewards it has to bestow on the adept. He is a quick and ready public speaker and a bright and fluent conversationalist. In Lewis County, where he was born, reared and is best known as "Sam" Jeffries, as they all know him, he has the confidence of everybody and everybody is proud of the rapid way in which he has risen.

It will have been noted, perhaps, that Mr. Jeffries has held offices almost from the time he was admitted to the bar, and such is his popularity in Northeast Missouri that he could doubtless obtain any honor to which he in future might aspire; but his friends know that he is already weary of public service, and has announced that when his present term is ended he will eschew politics wholly in as far as future acceptance of office goes. The demands of official position take him away from his law business, and as he desires above all else the rewards that come to the highly successful lawyer, he will return to his office practice as soon as he again becomes a private citizen.

In fraternal circles Mr. Jeffries is known as an active Odd Fellow, he having occupied all the official chairs in his local lodge. He is interested in every matter of material benefit to his native town and for the past four years has been a director and the attorney of the Citizen's Bank of Canton.

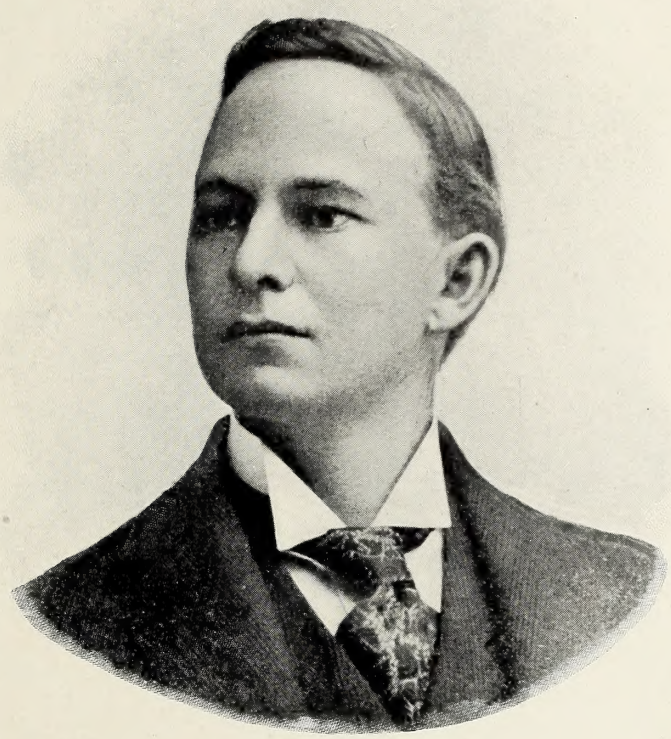
On the 8th day of December, 1897, he married Miss L. Frances Ball, daughter of Willis T. Ball, a merchant at Canton, Missouri. She graduated with honors from the Christian University, Canton, Missouri, in 1895.

FRANK RUSSELL JESSE,

MEXICO.

THE subject of this sketch comes from two of the oldest pioneer families of Central Missouri—the Jesses and Boswells. The paternal branch of his house is of Scotch-Irish origin and is known to have been among the residents of Virginia while it was yet a Colony. The father of our subject, Royal Anderson Jesse, was born in Cumberland County, Virginia, April 6, 1831, and was the son of William Morgan Jesse and Polly Ann Parker, his wife. The family moved to Missouri in 1831, when Frank R. Jesse's father was a child of two years, and settlement was made in what is now Audrian County. On the maternal side, the great grandfather of Mr. Jesse came from Ireland, and his son settled in Audrian County in 1842. The latter's daughter, Mary Ellen Boswell, married Royal Anderson Jesse, and to this union was born the subject of this biography, in Audrain County, May 19, 1862. Mr. Jesse's father was a pioneer minister of the Baptist Church, as were also three of his uncles and his grandfather. They were also farmers, for in that day men recognized the nobility of a calling which gave them close relationship to nature, and were tillers of the soil, whatever other profession they might adopt.

Frank R. Jesse received his education in the common schools of Audrain County, and at the high school of Mexico. He next entered William Jewell College, at Liberty, Missouri, where he distinguished himself for his forensic ability by winning the Debaters' Medal. After graduation he entered the law class of Missouri University, where he received his degree as a member of the class of 1886. In June of that year he was admitted to the bar at Mexico by Judge Elijah Robinson, at once opened an office and has been practicing in Mexico ever since.



Sam'l B. Jeffries.

In 1888 he was elected Prosecuting Attorney of Audrian County, and was re-elected in 1890 without opposition, serving altogether four years. He gave splendid satisfaction as an officer of the State, and entered into his work with such enthusiasm that he made a reputation as one of the most unrelenting prosecutors the county ever had. Indeed, he discharged the duty of his office with such vigor and ability that he convicted more culprits than any of his predecessors.

Mr. Jesse is a member of the Masonic fraternity and is a staunch Democrat. He has contributed his fullest support to every measure through which advantage was expected to accrue to his town and is especially a firm friend of the cause of education. In all political affairs he manifests an ardent interest in all the movements of his party, in which he is rapidly gaining strength as a leader.

Mr. Jesse is a man of fine personal appearance, tall and stately in his bearing. His demeanor is earnest and he impresses one as a man of great sincerity and tenacity of purpose. He is very thorough in all his methods and is convinced that what is worth doing at all is worth doing well, and from this arose the zeal he displayed as Prosecuting Attorney. He is very popular in Audrian County, and this popularity is destined to grow and widen as time passes. He is already enjoying a good practice, which is in a healthy condition of growth. As a lawyer, he is exceptionally strong as a pleader, although he prepares his cases with great care. He is of shrewd and active mind and keen perception, and is therefore quick to see and take advantage of any lack of alertness on the part of opposing attorneys, which makes him a practitioner with whom it is not easy to reckon.

Mr. Jesse was married October 11, 1893, to Miss Mildred Beulah, daughter of John Virgil Williams, who was at the time of the marriage, County Clerk of Audrain County. She is a lady of high culture, and although born in Ralls County, was reared in Audrain County. Without doubt she is the finest musician in that section of the State, and as an evidence of her musical talent she holds the $1,000 prize piano awarded by Hardin College in 1891, of which she was then a student, and at which date she graduated there in music. There were six competitors for the prize, but it went to Miss Williams without question. Mr. and Mrs. Jesse have one child, a daughter, named Mary Ruth.

DANIEL T. JEWETT,

SAINT LOUIS.

DANIEL T. JEWETT was born during the presidency of Thomas Jefferson, the third President of the United States. Living through the successive terms of the last twenty Presidents, engaged in useful occupations before Blaine, Garfield or McKinley were born, a member of the bar for sixty-three years, he stands to-day at the ripe old age of ninety years, one of the few surviving links connecting our earlier with our present history. Active during two generations in advocating legal causes, earnest in the development of the natural resources of the country, and enthusiastic in defense of constitutional liberty, Senator Jewett, although living in a quiet, unostentatious manner, enjoys the honor, esteem and confidence of his fellow-countrymen.

Daniel Tarbox Jewett was born in Pittston, Maine, September 14, 1807. His parents, Daniel and Betsy (Tarbox) Jewett, were both descendants of the Pilgrim settlers of New England. His boyhood was passed upon his father's farm, where he grew to manhood, gathering through manual labor the physical strength which has enabled him to attain four

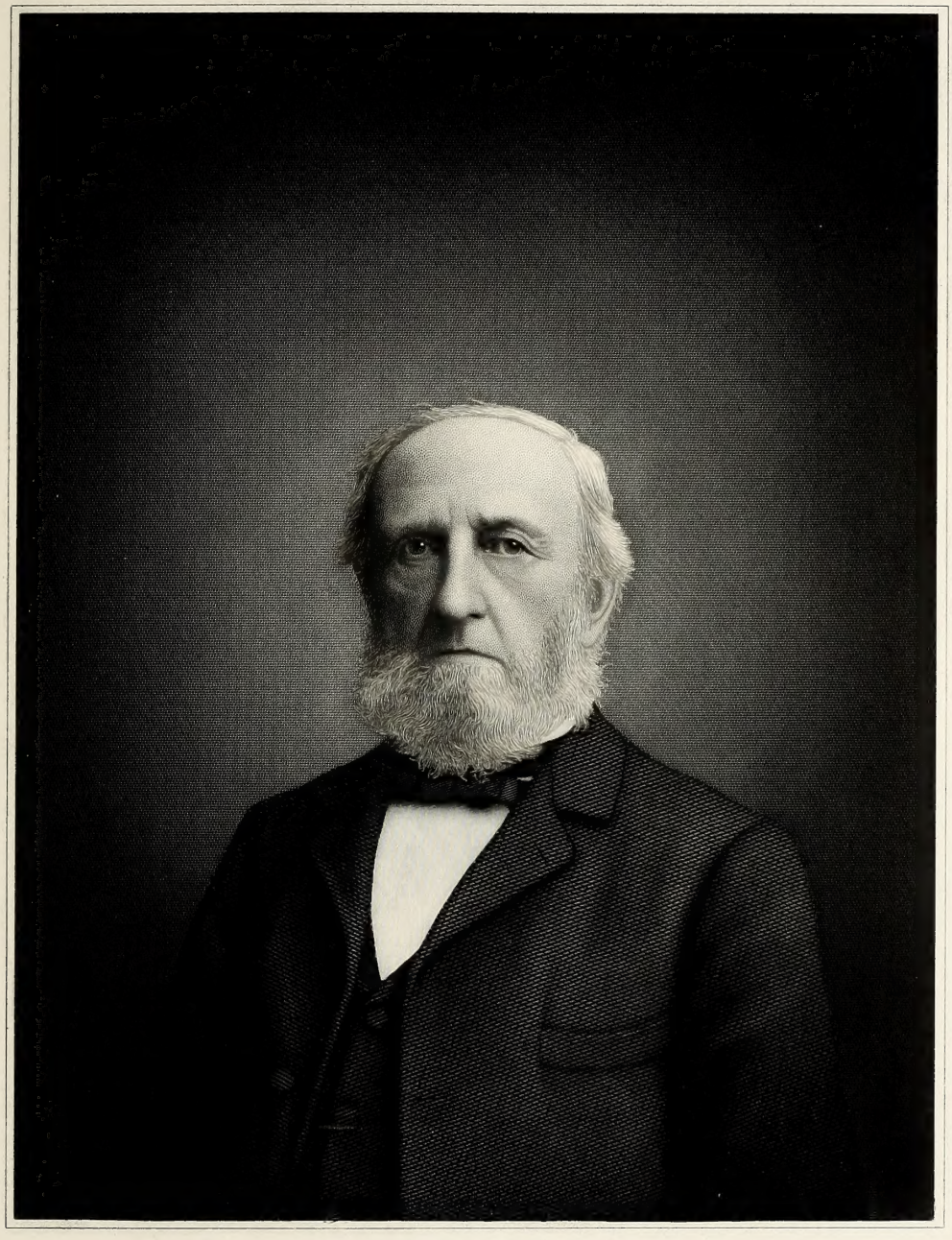
score and ten years without losing his vitality. He was reared to habits of economy and thrift and his early teachings have had a powerful influence in all of his subsequent career. His early education was obtained in the ordinary district school. At the age of nineteen (1826) he entered Waterville (Maine) College and at once displayed an ability that placed him in the front rank among the students and endeared him to his tutors. Two years later, Professor Chapin, one of the leading educators of the college, accepted the Presidency of Columbia College at Washington, D. C. He induced the young man to accompany him thither and to finish his studies under his auspices, and after two years of study in Columbia College he graduated in 1830 with the degree of Bachelor of Arts. While in college, in March, 1829, he saw the inauguration of President Jackson, and in 1897 he went to Washington and saw the inauguration of President McKinley — sixty-eight years after.

While he was attending the college, he employed his spare time by teaching and after graduation he located in Stafford County, Virginia, near historical Fredericksburg, and gave lessons in Latin and Greek and algebra. He then moved to Amelia County, Virginia, and taught in a private family, in the meantime studying law with Gustavus A. Meyers, an honored member of the Virginia bar. In the early part of the winter of 1833, he returned to Maine, and in the spring entered the Harvard Law School, where he continued till the fall of 1833 and then finished his law student's course in Bangor, Maine, and in April, 1834, was admitted to the bar. He at once began to practice his profession in Bangor, and soon became a lawyer of recognized ability. He became a factor in local affairs and was chosen City Solicitor.

In 1845 his elder brother Albert G. Jewett was appointed Charge d' Affairs for Peru by President Polk and while crossing the Isthmus of Panama to reach his post, he became impressed with the idea that the operation of a steamboat to carry passengers and freight up the Chagres River — a journey that all who crossed the Isthmus were forced to make — would be profitable. He induced our subject to accept a partnership in the enterprise and he therefore resigned his position as City Solicitor of Bangor and from the fall of 1850 to the spring of 1853 resided on the Isthmus and managed the enterprise. The profits therefrom not equaling expectations, Mr. Jewett left for California, intending to engage in steamboating and mining. Finding no opportunity to profitably operate steamboats, he purchased an interest in sluice ditches in upper California near the Oregon line. In the fall of 1855 he returned to Bangor and during the following spring visited the cities of the West, seeking a location in which to engage in the pursuit of his profession. He visited Chicago, Minneapolis and St. Louis, Kansas City, St. Joseph, Sioux City, *et al.*, and finally chose St. Louis as his abiding place.

In the spring of 1857 he moved to that city, purchased a lot on Morgan Street, near Garrison Avenue, erected a residence, and then brought his wife and children to the home in which he still resides. Once established he began practice at the bar, and through his ability, earnestness and personal magnetism soon became a prominent member of his profession in St. Louis. In 1860 he formed a law partnership with the late Britton A. Hill, which continued to the spring of 1872. His practice covered nearly all departments of legal pleading, but the cases of greatest importance in which he appeared were what were known as the cases against the Lindell heirs, and involved large and valuable tracts of real estate. He was one of the early members of the St. Louis Law Library Association and since December, 1857, has been one of its most active members.

He has always taken a deep interest in the important questions that have been brought



Daniel T. Jewett

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before the people during the past years. During that portion of his early life passed in Washington and its vicinity, he frequently attended the sessions of Congress, and has a perfect recollection of various debates participated in by Webster, Calhoun, Clay, Benton, Wright of New York, Hayne of South Carolina and other distinguished men of that time. He was thus able to study vital questions in the proper school and became an ardent supporter of the principles advocated by the leaders of the Whigs. While in no sense an abolitionist before the war, he became one of the organizers of the Republican party and since then has been a firm believer in its doctrines as advocated by Lincoln, Grant, Blaine and Harrison. Too old to be accepted as a soldier at the outbreaking of the war, he remained at home, serving his country as best he could by inspiring his fellow-citizens with patriotism. In 1866 he was elected to the State Legislature, and during the reconstruction days was one of the most influential members of the Republican party, not only in Missouri but in the entire West.

During the session of the Legislature to which Mr. Jewett was elected, it was decided to submit a Constitutional amendment to the people to strike the word "white" from the second article, thus establishing negro suffrage in Missouri. At the election in the fall of 1868, the proposed amendment was defeated by a majority of nearly nineteen thousand. This and other acts of that body created discord in the party which gradually became disorganized. Under the leadership of Carl Schurz, then United States Senator, B. Gratz Brown and others, the so-called "Liberal Republican" party was organized in Missouri. On the 31st of August, 1870, the Republican State Convention met at Jefferson City and as Chairman of the Committee on Resolutions, Carl Schurz made a majority report which proved obnoxious to the anti-Liberal members. It strongly recommended the removal of all political disabilities and "the extension of equal political rights and privileges to all classes of citizens." The minority report of the committee, on the other hand, declared in favor of "re-franchising those justly disfranchised for participation in the late rebellion, as soon as can be done with safety to the State," and recommended that the Legislature submit to the whole people of the State the question "whether such time has now arrived." The report of the minority was adopted by a vote of 349 ayes to 342 noes, and immediately after this action had been taken, about two hundred and fifty delegates, who had voted for the majority report, headed by Mr. Schurz, withdrew, organized a separate convention and nominated a full State ticket with B. Gratz Brown for Governor. The regular Convention, of which Mr. Jewett was a member, nominated Joseph W. McClurg, then Governor. The Democrats joined with the Liberal Republicans and elected Brown.

In 1870, President Grant appointed Senator Drake, Chief Justice of the Court of Land Claims. This appointment caused a vacancy in the Senatorial representation, which Governor McClurg appointed Mr. Jewett to fill. He thus represented the State of Missouri in the United States Senate until March 4, 1871, when Francis P. Blair, who had been elected by the Democratic Legislature, succeeded him. Since then Mr. Jewett has never been a candidate for any office, but as a private citizen has used his abilities to aid the party in its campaigns.

Mr. Jewett was married in 1848 to Sarah Wilson of Belfast, Maine. She was a daughter of Hon. John Wilson, a distinguished lawyer and statesman, who represented his district for several terms in the Congress of the United States. Mrs. Jewett died in November, 1873, survived by two children, Eliot Conway Jewett, of Monterey, Mexico, and Mary, wife of Edward A. Wilson, of Mapimi, Mexico.

WILLIAM O. L. JEWETT,

SHELBINA.

TO have lived in Missouri long and not to know William O. L. Jewett, of Shelbina, either personally or by reputation, is to argue yourself unknown. He is prominent both as a lawyer and as an editor, and in the political field exercises an influence that is by no means confined to Shelby County.

Mr. Jewett is a native of Maine, having been born at Bowdoinham on December 27, 1836. His father, Rev. Samuel Jewett, was a Methodist minister, born at Ipswich, Massachusetts, in 1797, and the old home, built before the Revolution, is still in good condition. Samuel Jewett held assignments in various Methodist fields in Maine from 1825 to 1837, in which last named year he came West, settling in Illinois. He espoused in marriage Sophronia Huckins, who bore him a large family of children, of which the subject of this sketch is the seventh. The mother was from Effingham, New Hampshire, and the marriage was consummated about November 11, 1822. Mr. Jewett comes of patriotic blood, as both his grandsires were in the War of the Revolution, and all the male members on both sides, who were of military age at that time, bore arms.

The Jewetts are of English derivation. Two brothers, named respectively Joseph and Maxwell Jewett, came from Bradford, West Riding, Yorkshire, England, and settled at Rowley, in the Colony of Massachusetts Bay, in 1639, which it will be noted was a very early day in the settlement of America — only nineteen years after the landing of the Mayflower. From these two brothers, all the Jewetts in America sprang. From Rowley the name spread to various places, and will now be found in all parts of the United States. Some members of the family went to Connecticut, others to Western New York, and still others to Kentucky. The Western New York settlement proved most virile, and for a number of generations the Jewetts have been prominent in the social, civic and political affairs of Buffalo. Rowley, Massachusetts, where the family name was first planted on American soil, at no time in her history for two hundred years, was without a Deacon Jewett. In the old graveyard there is a tombstone with this inscription:

> "Oh, Rowley, Rowley! Thou hast Sinned Sore;
> Thou has lost thy Deacon Jewett and will never see him more."

The subject of our sketch was little more than an infant when brought West by his parents. From that time until manhood he was reared on a farm near Wilmington, Will County, Illinois. He early demonstrated the taste for study and literature which were to shape his future career. The time that other farmer's boys spent in idleness and play, he devoted to his books, and though farm work is arduous, he was enabled to do much reading and study, of nights and mornings. He left the farm to go away to school when about eighteen, entering Lee Center Academy, at Lee Center, Illinois. He next attended the public schools at Plainfield and Ottawa, Illinois, living in the meantime with his brother, Rev. S. A. W. Jewett, D. D. He next entered Aurora Institute, at Aurora, Illinois, and before he had completed the full course there, the Civil War began.

The young student was ready to go to the front from the first, but it was not until September, 1861, that he found opportunity. In that month he was mustered into Company E, of the Thirty-ninth Illinois Volunteers, afterward called the "Yates Phalanx." The regiment was first sent to St. Louis and from there to Maryland, whence it went to



W. O. L. Seven

Virginia, where it was given the task of guarding the Baltimore & Ohio Railroad at Sir John's Run, Virginia. One circumstance of this period Mr. Jewett remembers with unpleasant distinctness. It was one cold night in January, 1862, when Stonewall Jackson surprised the command and drove it across the Potomac. Mr. Jewett remembers, with a shiver, that the waters of the river were so cold they seemed to cut the flesh like knives. After that he was at the battles of Kernstown, or Winchester, under General Shields, and participated in the campaign of the Shenandoah Valley. He was then sent with his command to join McClellan on the Peninsular, where he was injured and taken sick. He was sent to the hospital at Washington and thence to Rhode Island, where he was discharged. He returned to his home in Illinois and taught one term of school and began the study of law, but he had felt the excitement of battle and could not tie himself down to civil life while others waged war in their country's behalf. He re-enlisted in the fall of 1864 in the First Illinois Artillery, Battery C, and reached the seat of war at Memphis, being promoted to the rank of Sergeant and sent there in command of thirty men, who acted as guards to five hundred substitutes. He next joined Sherman at Savannah, Georgia, and with him marched through the Carolinas to Washington, and was with his command and participated in the grand review in May, 1865.

After the end of the war, the young soldier, seasoned by over three years of the most active military service, returned to his home and again took up the study of law. He entered the law department of Michigan University, at Ann Arbor, having prior to that prosecuted his legal readings for a time in the office of Judge Parks, at Joliet, Illinois. He was graduated and admitted to the bar at Ann Arbor in 1866, and was admitted by the Illinois Supreme Court in the same year.

In 1867 Mr. Jewett came to Missouri, settled in Shelby County, and in that year was licensed to practice in Missouri courts by Judge Wagner. His qualities of leadership were soon made manifest in his new home. Like all the men of Missouri who went to the front when duty called, he was in favor of a policy of conciliation toward the men of the South after the war. He therefore engaged with all his spirit in the Liberal-Republican movement of 1870, helped organize that party in Shelby County, and in company with Colonel Shafer, who was elected to the Legislature, stumped the county. The people soon saw that he was a man far above the average in intellect and character, and about this time began to extend the honors he has received at their hands. In 1876 they elected him Prosecuting Attorney, and again in 1878. In 1886 he was elected to represent Shelby County in the Legislature, and there had an opportunity to give to the whole State an indication of his quality as a public speaker and statesman. He was a member of the Committee on Internal Improvements in 1887, and it was largely through his able efforts that the bill known as the "Swamp Angel" was passed. At the session of 1889, he having been re-elected, served as Chairman of the Committee on Insurance and as a member of the important Revision Committee. Governor Francis during his term appointed him a member of the State Board of Geology and Mines and he was re-appointed to the same position by Governor Stone.

In May, 1881, Mr. Jewett entered the newspaper business, becoming editor and publisher of the Shelbina Democrat. He is still editor, and has made it one of the most independent and readable county papers in the State. He takes an enthusiastic interest in bringing the newspaper fraternity into closer touch with each other, and always takes a leading and "speaking part" at the annual convocations of the press associations. In

1892 he was President of the Missouri Press Association, and for the past five years has been Chairman of the Legislative Committee of the National Editorial Association.

He is perhaps one of the best known Odd Fellows in the State. He joined Shelbina Lodge in January, 1870, and has been a member of the Grand Lodge of Missouri since 1875. He is now Grand Warden of the Grand Lodge of the State. He is likewise a member of the A. O. U. W.

Mr. Jewett was married to Miss S. Ella Cox, of Hunnewell, Shelby County, Missouri, June 3, 1869. His wife is a niece of the late William J. Howell, who was a leading lawyer of Monroe County for many years. Mr. and Mrs. Jewett have seven children, four boys and three girls, all still at home save one, Howell, his second son, who recently married and went to Corsicana, Texas. He married Miss Ella Loir, of Shelby County.

In religion, as in everything else, Mr. Jewett thinks and acts for himself. Though his father's family were all Methodists and leaders in that church, and his wife and her family are also Methodists, yet Mr. Jewett is a communicant of the Episcopal Church, an admirer of its forms of worship, and stands steadfastly by it at all times. His quality as a writer and historian may be discovered by a reference to his article on the "Early Bar of Northeast Missouri," in another part of this volume.

CHARLES PHILIP JOHNSON,

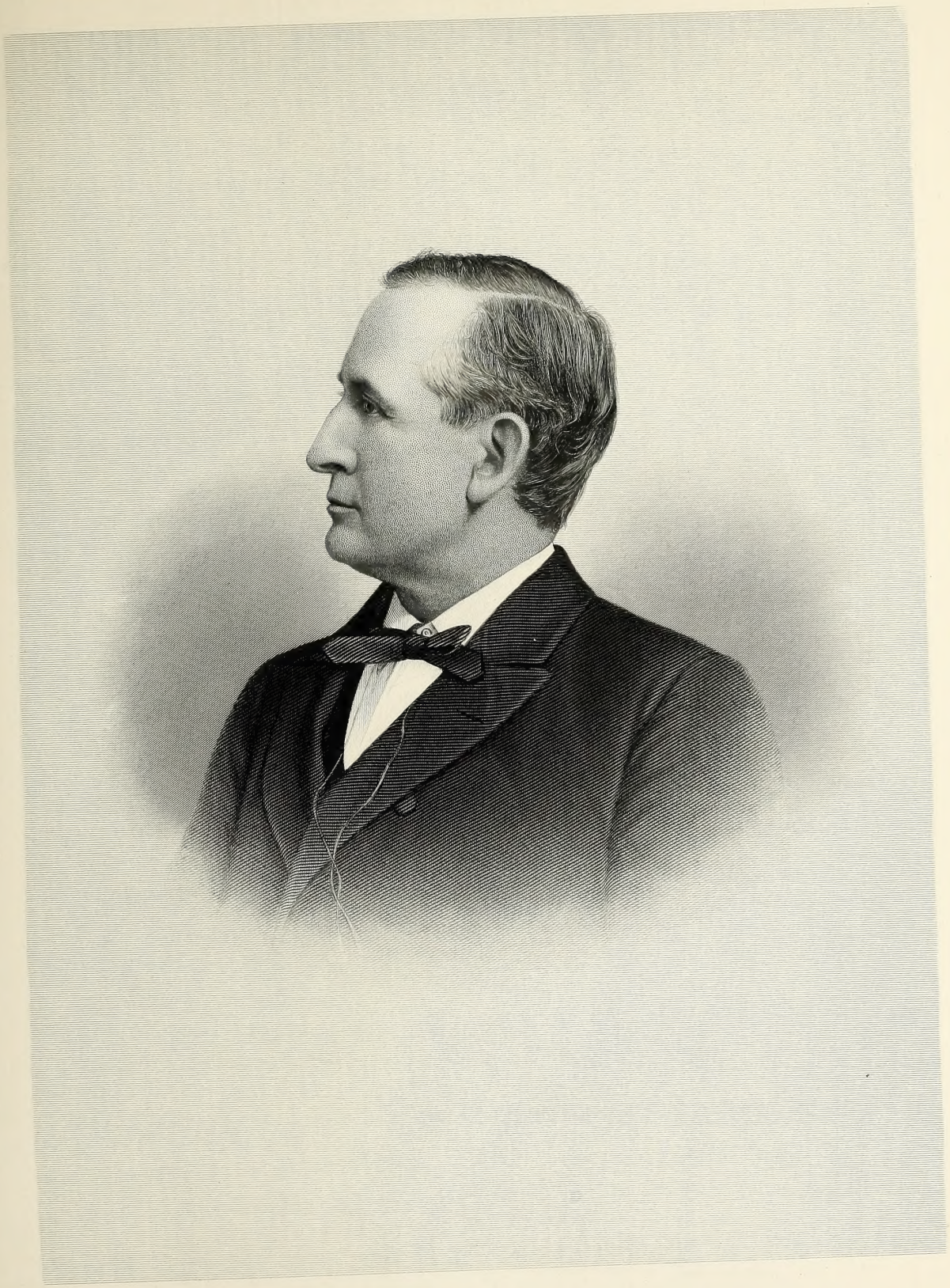
SAINT LOUIS.

CHARLES PHILIP JOHNSON was born at Lebanon, St. Clair County, Illinois, January 18, 1836. His parents were Henry and Elvira (Fouke) Johnson. They were among the pioneers of the Mississippi Valley. His maternal grandparents came from Virginia and settled before the beginning of the present century at Kaskaskia, where his mother was born. She was a woman of strong character and vigorous mind, many of whose marked traits her son inherits. His father was born in Philadelphia.

Charles Philip Johnson as a boy developed a natural thirst for knowledge, and made the best possible use of the limited advantages that were afforded by the common schools of Belleville, afterward attending McKendree College for a while, before coming to St. Louis. What time he could spare when going to school he gave mostly to working in a newspaper office and soon learned the printer's trade, and when but seventeen years old started and published, for over a year, a weekly paper at Sparta, Illinois. In August, 1855, he came to St. Louis and read law with Judge William C. Jones and Attorney General R. F. Wingate, and was admitted to the bar in the year 1857.

At that time the country was just entering the preliminary stages of the political strife which was soon to precipitate it into a mighty civil war. Ambitious and patriotic, just entering upon the threshold of manhood, it was but natural for young Johnson to enter heart and soul into the "Free Soil" movement and become an active and daring partisan therein. He was soon found among the most worthy and trusted lieutenants of the chivalric leader, Frank P. Blair.

As early as the spring of 1859 Mr. Johnson was elected City Attorney on the ticket headed by the late Oliver D. Filley. In the campaign of 1860 he was an active supporter of Abraham Lincoln. At the breaking out of the war he enlisted and served as a Lieutenant in the Third Regiment, Missouri Infantry. During this three months service he



Chas. P. Johnson.

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devoted as much time as possible assisting to recruit and organize the famous Eighth Missouri Regiment, of which Morgan L. and Giles F. Smith were officers. He was deputized to tender this regiment to President Lincoln, which he did in person, and on his return was elected Major of the regiment. He declined on account of lack of military knowledge.

In 1862 a rupture occurred in the Republican party in St. Louis, caused by a conflict of opinion in regard to the policy that should be pursued in dealing with the slavery question. The consequence was that the Congressional Convention of the Republican party, after a majority nomination of Mr. Frank P. Blair, divided, and a bolting delegation nominated Mr. Johnson and an entire county ticket. But he declined this nomination and accepted the candidature to head the legislative ticket. Mr. Samuel Knox was then selected as the candidate to oppose Mr. Blair, and was duly elected. In the selection of the chairmanships of the various committees Mr. Johnson was assigned to that of the Committee on Emancipation. This was unquestionably the most important legislative committee at that time. In the exciting discussions that soon followed the opening of the session, Mr. Johnson took an active part and his oratorical ability, together with his powers as an organizer and skillful manager, soon made him the recognized leader of the House. After failing to persuade the leaders of the pro-slavery party to accept President Lincoln's proposition to pay the slave owners, who had remained faithful to the Union, for the emancipation of their slaves, Mr. Johnson took the advanced position in favor of immediate and unconditional emancipation, and introduced the bill to provide for the calling of a State Convention.

There was a bitter contest over the selection of a United States Senator at this session of the General Assembly, and Mr. Johnson was the earnest and unwavering supporter of B. Gratz Brown, who represented the most radical wing of the Republican party. Rather than sacrifice his candidate he forced an adjournment of the joint session by uniting his associates with the supporters of John S. Phelps, and thus delayed the election for a year. On the reassembling at that time, B. Gratz Brown was duly elected Senator of the United States.

In the Congressional election of 1864 Mr. Johnson was nominated for Congress, but because of the independent candidacy of Mr. Samuel Knox, he was defeated and Mr. John Hogan was elected.

The convention bill above referred to was submitted to the people and passed in November, 1864. The Convention provided for assembled in January, 1865. Their first act after organizing was to pass an ordinance abolishing slavery in the State. Thereafter they proceeded to frame a Constitution to submit to the voters of the State for adoption or rejection. This document was known as the "Drake Constitution" and contained many proscriptive and intolerant provisions. Mr. Johnson, in company with a number of the prominent members of the Republican party, opposed the adoption of the "Drake Constitution." He canvassed the State in support of his views. On this issue he was elected to fill a vacancy in the Legislature and served during the adjourned session of 1865-6.

In the fall of 1866 he was appointed Circuit Attorney of the Eighth Judicial Circuit —the City and County of St. Louis—by Governor Thomas C. Fletcher, and in 1868 he was elected to the same position on the Republican ticket and served therein for six years. During his service in this office Mr. Johnson brought into play and developed those great powers as a lawyer and advocate which have since given him the wide reputation he has.

When the Liberal Republican movement was inaugurated in this State, Mr. Johnson gave it his hearty support and was sent by the State Convention as a delegate to Cincinnati, where Horace Greeley and B. Gratz Brown were nominated as candidates for President and Vice-President of the United States. He took an active part in the canvass that followed. In 1872 he was nominated and elected Lieutenant-Governor on the ticket headed by Silas Woodson. He made an able presiding officer of the Senate and was distinguished for his knowledge of parliamentary law and the fairness and impartiality of his rulings. When Lieutenant-Governor, Mr. Johnson assisted in the fight against the "social evil law" which had been inaugurated in St. Louis by the adoption of an ordinance under a charter grant of the Legislature. In the committee of the whole he delivered a speech against it — in favor of its repeal — which attracted wide attention at the time and was mainly instrumental in having the law expunged from the municipal statute book of St. Louis.

At the end of Mr. Johnson's term as Lieutenant-Governor he retired from any active participation in politics and devoted his entire attention to the practice of the law. He built up a large and lucrative practice, mostly in the criminal branch, and soon became the acknowledged leader of the bar in that department of the practice.

In 1880 there existed in the City of St. Louis a powerful gambling ring, whose influence dominated in certain departments of the government and the members of which essayed to extend that influence to control in their interests the Legislature and certain prominent officials of the State. To confront this combination and if possible destroy its influence, Mr. Johson was induced, in the year 1880, to stand for election to the Legislature. He accepted a nomination on the Democratic ticket and was duly elected. After a determined and bitter opposition he succeeded in passing the well known "Johnson Gambling Law," the provisions of which made the keeping of a gambling house or the setting up of a lottery, a felony. In the summer following, as soon as the law went into effect, he commenced his memorable fight against the gambling and lottery rings, which ended finally in their complete overthrow and destruction. After the close of the session Mr. Johnson again returned to his practice and has continued to give his almost undivided attention to it.

For many years he was in partnership with his brother, J. D. Johnson, who attended to the civil business of the firm. During the last twenty-five years, Mr. Johnson, now called Governor Johnson, has been on one side or the other of most every important criminal case in the City of St. Louis. Besides this he has extended his practice throughout the State and been the leading counsel in many important trials in Illinois, Kentucky, Tennessee, Mississippi, Kansas, Colorado, Iowa and other States. His reputation as an able criminal lawyer and powerful advocate has become national. A contemporary has appropriately said: "Whether as a statesman advocating the welfare of the people; a lawyer pleading the cause of the weak or innocent; a public prosecutor arraigning criminals at the bar of justice; or a citizen in the walks of private life, Governor Johnson has always been the same dignified, courteous gentleman, so demeaning himself as to command the respect and admiration of all who know him."

Governor Johnson is pre-eminently domestic in his tastes and habits. Twice married, his first wife was Miss Estelle Parker, of Washington City. By her he raised four children, two sons and two daughters. Three are still living. His second wife was Louise Stevens,

daughter of a former respected merchant of St. Louis, by whom he has three children, two boys and one girl. He has seven grandchildren.

Governor Johnson, notwithstanding the arduous work of his profession, finds time to contribute quite frequently to the public papers and belongs to the faculty of the Washington University, where he lectures on criminal law. Twice has the college where he attended honored him with degrees. First that of A. M. and second that of LL. D. His reminiscences on the Criminal Practice in this volume will be found of interest.

HOUSTON WATSON JOHNSON,

JONESBURG.

SENATOR HOUSTON WATSON JOHNSON, of Jonesburg, Missouri, was born in Pike County, Missouri, two and one-half miles southeast of Louisiana, near the site of the old Noix Creek Baptist Church, on Christmas Day, 1844. He comes of old Virginia stock, through which a military strain has run for generations, he being related to both the Johnsons and Johnstons, of Virginia, both families springing from the same source, although the names are spelled differently. Rev. Thomas Thornton Johnson, the father of Senator Johnson, was a native of Fauquier County, Virginia, and closely related to the Johnstons distinguished in the civil and military history of the Old Dominion. He was the son of Rev. Enoch Johnson and Elizabeth Thornton, the father being likewise a Baptist minister. When his son Thomas was still an infant his mother died, and his care and rearing fell to the lot of an old black "mammy." Shortly after the death of his wife, Rev. Enoch Johnson settled in Scott County, Kentucky, near Georgetown. There Thomas Johnson grew up and became the friend of Col. Dick Johnson, the reputed slayer of Tecumseh at the battle of Tippecanoe. In early manhood he taught at the Indian Academy at Crabb Orchard, and studied military tactics. Though reared in the famous Ashland District, when old enough he espoused the cause of Democracy, and it was always his boast, that although raised under the sound of Henry Clay's voice, he cast his first vote in 1824 for Andrew Jackson. From Jackson to Tilden, in a line broken only when he wore the shackles of disfranchisement under the Drake Constitution, he cast his votes "straight" for Democracy. In 1828 he removed to Missouri, and shortly thereafter opened the farm where our subject was born.

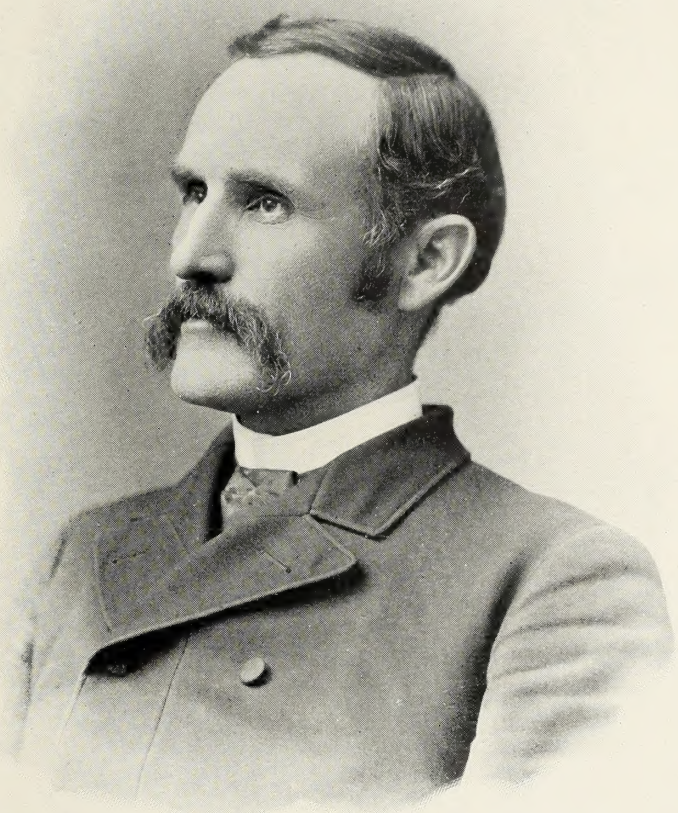
Senator Johnson's mother was Margaret Ann Watson, daughter of Houston Watson and Elizabeth Carr, his wife, the Carr family having played a conspicuous part in the history of Kentucky and Virginia. Margaret Ann Watson and her elder sister, then a child, were brought from Kentucky in 1817. The former was then a babe of two months, and was carried all the way from Kentucky to Missouri by her mother on horseback. This would be considered a most formidable undertaking in these days, but in those days nothing was thought of it, although the distance between Kentucky and Missouri in 1817 must have been an almost unbroken wilderness. But the men and women of those days were sturdy, brave and inured to hardships, and especially did this adventurous couple seem exceptionally endowed with the spirit of pioneer daring. It is related that Houston Watson, the grandfather of Senator Johnson, even excelled the daring of brave Israel Putnam, for while the Revolutionary hero crawled into a wolf's lair and killed the animal, Houston Watson entered a dark cave in Pike County and killed a huge panther. Senator Johnson yet has

in his possession the bounty certificate issued his grandfather for the scalp of this ferocious animal. This daring pioneer and his wife landed on Grassy Creek, in Pike County, Missouri, on Christmas Day, 1817. Shortly afterward they removed to Big Noix Creek, to a place formerly settled by David Watson, the father of Houston Watson. About two and a half years after reaching Missouri the courageous mother and wife died, and three daughters were taken by their aunt, Mrs. Rowena Gurnsey, of Pike County, to rear. Both the Watsons and Carrs are very numerous in Pike County and have had a potent influence on the development of that part of the State. On June 15, 1836, Rev. Thomas Thornton Johnson was married to Margaret Ann Watson, at the home of David Gurnsey. The couple resided on Rev. Thomas T. Johnson's farm until October 4, 1856, when they removed to Montgomery County. This union was blessed with seven children, of whom our subject was the fourth. All the children grew to maturity excepting the first born.

The mother of this family was a woman of great force of character, but lovable and womanly withal. The work of the father as a pioneer preacher often called him to distant points and he was much of the time away from home, and hence the labor of rearing this large family devolved largely on the mother. In this she succeeded admirably. At the day of her death — October 6, 1884 — her boys were all grown, sober, industrious and well-to-do men, and her girls good, true, useful wives. The father was one of those sturdy, virile, courageous, honest, hospitable, neighborly pioneers who resulted from the peculiar conditions of early days. He would have made an intrepid soldier had he not been preacher, school teacher and farmer. As it was, his soldierly instincts constantly cropped out and in the good old muster days he organized a company and was created Captain. He gave the best years of his manhood to the cause of Christ — a cause that then demanded real sacrifice and little reward. He was a natural orator and possessed a rare vein of humor.

Houston Watson Johnson, the worthy offspring of such noble parentage, spent his boyhood on his father's farm, there being impressed with the honor and dignity of labor. He was a youth of determination, anxious to succeed, bright, quick, and a born organizer, and soon became, when his father was absent, the leader of the farm work, although there was a brother older than he. His boyhood ambition was to do what a man could do. At the age of ten he could do almost any kind of farm work and at fourteen he "made a full hand." No man on earth is prouder of his youth on the farm than the Senator, and he firmly believes that it is the place of all others to surely and safely build good, solid, sturdy, manly character. He fully subscribes to the Biblical injunction, that "in the sweat of thy face shalt thou eat bread," etc., and boldly proclaims that the only contented, happy people are those who work always. In labor only is independence to be found. The boy early learned economical habits, and his bold independence was such that never would he consent to work for a salary. Later in life, during his days of greatest struggle, he was offered the splendid salary of $125 per month, but refused it, for he preferred to remain his own master. He proved successful as a farmer, and was making a good start in agriculture and stock raising when he left the farm. This event occurred in 1865, when his father, having purchased a half interest in a steam and grist mill at Truxton, the family removed there, and our subject for some time looked after his father's interest in the mill.

The education of Senator Johnson was acquired chiefly in the common schools, but he afterward diligently studied the higher branches on his own account. In 1866 he taught a term in the Truxton high school, and then for a time worked in the chief mercantile establishment in that town. For some time he had contemplated the law as a profession, but



A. B. Johnson

was deterred by his limited pecuniary resources, but in 1867 he boldly determined to launch forth in that direction and began to read such books as he could procure from his limited salary as clerk. By much self-denial he secured the coveted training, passed his examination and was admitted to the bar by Judge Gilchrist Porter, at Troy, in September, 1868.

With a suit of ordinary jeans clothing, cut and made by his sister, Martha Ailsie, a cheap cashmere suit for Sunday, a half dozen law books and fifty cents in money, he left home to embark on his professional career. Few mariners could have found the courage to put forth on an unknown sea so scantilly equipped, but the young lawyer came of a race of pioneers and soldiers, and his strong heart felt no fear. He knew that if industry, perseverance and self-denial would win, success was his, and he left home to locate at Jonesburg. Illustrative of his devotion to his purpose, it is related that when he first went to Jonesburg he determined to economize by sleeping in his office. He had no bed, and though he could doubtless have obtained one on credit, the *bete noir* of his life has been debt, and therefore he spread a few quilts over a pile of straw in the corner of his office, and thus slept until he had saved enough to buy himself a feather bed and a bedstead. During his days of early struggle, many of his young professional friends visited him, and at different times shared his unique bed. Among these was E. M. Hughes, now Judge of the Eleventh circuit, who was then passing through very similar experiences. It was indeed a thorny road they traveled, but the young men made light of its hardships, and both now look back to the time they occupied the Senator's straw bed with the conviction that happiness is, after all, a subjective and not an objective quantity.

Mr. Johnson came to Jonesburg early in the 'seventies and began the practice of law, and by close application and hard labor soon became interested in some of the most important litigation of this part of the State, and soon built up a lucrative practice. Ex-Senator Johnson is well known throughout the State. He first made his debut in Missouri State politics in 1876, at which time he was elected a member of the State Democratic Committee from the Ninth District, and took an active part in that memorable campaign, which rolled up the largest Democratic majority for Tilden and Phelps and the largest Democratic vote cast since the organization of the party. In 1878 he declined a re-election, though the position was unanimously tendered him. He was also unanimously tendered the Chairmanship of the State Democratic Committee, but declined both of these places, preferring to apply himself to his profession, the law, in which he had had remarkable success, having gone through all the courts in many important cases, and stands to-day in the front rank of his profession.

In 1879 Senator Johnson and Judge E. M. Hughes formed a partnership. This was maintained five years, or until Mr. Johnson was elected to the Legislature, in 1884. In 1887 he formed a partnership with Hon. G. P. Smith, of Montgomery City, and A. H. Drunert, of Jonesburg. This association continued until 1892, when Mr. Smith withdrew, and the firm is now known as Johnson & Drunert.

In 1884 he was elected to the Missouri House of Representatives, and was by a resolution of the House placed on the Committee on Railroad Legislation. He prepared and procured to be reported the bill which passed the House at that session, and which in the campaign following was almost literally incorporated in the Democratic platform and became an issue.

In 1886 he was elected to the Missouri Senate from the Tenth District, and by reason of his prominence and labor in the House, was made the ranking member of the same

committee in the Senate at the session of 1887. At the extra session called by Governor Marmaduke, the chairman of the regular session having died, Mr. Johnson was placed at the head of the Committee on Railroads, the only committee appointed at the extra session, and led the memorable fight at that session to a successful issue. He became the leader of the Marmaduke administration, and was the confidential and trusted friend of the Governor. At the 1889 session he was elected President *pro tem*, and as the Lieutenant Governor was then, by reason of the death of the Governor, the acting Governor, the President *pro tem* of the Senate became the acting Lieutenant Governor. In this capacity he served for two or three weeks, until the Lieutenant Governor was inaugurated. In the meantime he presided over the joint Assembly at the inauguration of Governor Francis and at the election of Senator Vest by the joint Assembly.

During this session he distinguished himself in the fight for bills known as the Montgomery County Court Bills, which he introduced and which contemplated holding terms of the Circuit and Probate Courts at Montgomery City, thus virtually removing the county seat from Danville, a little village seven miles from the railroad. The forces were very evenly divided on this question, but with such splendid activity and ability did the Senator manage his campaign, that Montgomery City won and is now in reality the judicial seat of Montgomery County, although it nominally divides that honor with Danville, the former county seat. Gen. E. B. Ewing, one of the best posted politicians of the State, and a close observer of men and events, often said the passage of this bill, though of local significance, was one of the greatest legislative achievements he ever witnessed. After the passage of the bills, the Senator returned home and joined with the other friends of the measure in building a splendid court house at Montgomery City, by private contribution.

Mr. Johnson attained prominence as a lawyer early in life. His accurate knowledge of legal principles, close attention to business and his strong common sense, have added continually to his professional reputation. His common sense is in fact one of his most conspicuous traits, and this factor he has found of value in the practice, as law is, after all, but an attempt to give expression to common sense. He is now recognized by the profession as one of the most formidable antagonists in his portion of the State.

In 1889 the Senator began the erection of his beautiful home, situated on a fine thirty-five acre plat of ground on the northern suburb of Jonesburg. This mansion he called "Celibate Harbor" and it became noted for its elaborate entertainments and splendid hospitality.

On the sixteenth day of January, 1896, the Senator was married to Mrs. Willie H. Berry. The marriage took place at two o'clock, p. m., at the Second Presbyterian Church, St. Louis. The ceremony was performed by Dr. Samuel J. Niccolls, assisted by Dr. John D. Vincil, in the presence of a large and distinguished audience, and thus "Celibate Harbor" capitulated and the Senator's life of celibacy ended.

Mrs. Berry, whose maiden name was Honey, is an educated and cultured lady, an accomplished musician, a graduate from Lindenwood College, St. Charles, Missouri, and a post-graduate of Hardin College, Mexico, Missouri. She was the only daughter of the late William Honey, for whom she was named, who was born and raised in St. Louis. Her father in early manhood went to Huntsville, Arkansas, and engaged in the mercantile business, in which he was very successful and soon amassed a small fortune. Soon after he went to Huntsville he married Miss Ophelia Polk, a daughter of Judge Polk, a District or Circuit Judge of Arkansas, and a lineal descendent of President James K. Polk. Soon

after Mrs. Johnson's birth her father died. Shortly thereafter Mrs. Johnson was taken by her aunt, Mrs. Arthur H. Gale, a sister of her father and wife of Arthur H. Gale, of the Scudder–Gale Grocery Company, of St. Louis, by whom she was raised and who had the care of her education. Mrs. Johnson is also a great-niece of Mrs. Governor Thomas C. Fletcher, and has a large and influential relationship in St. Louis.

On January 6, 1897, a baby boy was born to Senator and Mrs. Johnson, which the good wife of the Senator very appropriately named Houston Watson Johnson, Jr. He is a well developed, bright and healthy little fellow, and promises much pleasure to his parents. The Senator and his estimable wife, of course, think he is the only baby in the world, and to them of course he is. To him this history of his father is especially dedicated, with the hope that he may grow up a good, true and useful man.

JOHN DAVIS JOHNSON,

SAINT LOUIS.

A ST. LOUIS lawyer of fine ability, but modest withal, is John Davis Johnson, who for many years has been associated with his brother, Hon. Charles P. Johnson, the great criminal lawyer, in the practice of his profession. He was born at Belleville, Illinois, April 19, 1844, and is therefore now at the zenith of his intellectual and professional powers. The blood of the pioneers of both Virginia and Pennsylvania flows in his veins, as in the former State the maternal branch originated, while the father, Henry Johnson, was a native of Philadelphia. The mother, born Elvira Fouke, came of a family of strongly pronounced pioneer proclivities, and thus at a very early day, the grandparents of our subject left Virginia to seek a home in the midst of the untraversed prairies of the West. They settled at Kaskaskia, now noted as the oldest town in Illinois, and there Elvira Fouke was born. She was a woman of noble breadth of character, great energy and fortitude, and her sons are said to have inherited her high qualities.

With a public school education as a basis, our subject completed his training at Belleville and McKendree Colleges, and then, in 1858, came to St. Louis. He continued his schooling in that city, and for a time worked for Gen. Robert F. Wingate and his brother, Charles P. Johnson, with them, at the same time, prosecuting his legal studies. Then the war came on and he was a warm and patriotic partisan of the Union. He was at first a member of the Nineteenth Missouri Infantry, but as this regiment was never mustered in, he enlisted with Battery F, of the Second Illinois Artillery, entered the service with it in 1861, and remained until the summer of 1863. He was then mustered out to accept a commission as First Lieutenant of the Thirty-eighth Missouri Infantry. After three years of military service he returned to St. Louis in 1864 and began the study of law, acting as his own tutor. In November, 1864, he was married and afterward accepted a position as clerk in the department of Quartermaster Metcalfe. Next he served for a short time as Deputy County Marshal. Following this he was appointed Deputy Clerk of the Court of Criminal Correction, occupying this position until 1871, when a change of administration let him out.

In the meantime he had perfected himself in the law and had been admitted in October, 1870, at St. Louis, by Judge David Wagner of the Supreme Court. After ending his term as Deputy Clerk, he took a month to look about and decided to begin practice. In that year (1871) he took an office with Hon. Charles P. Johnson and Judge William C. Jones, in the Temple Building, in St. Louis, and has occupied an office in and practiced from that building continuously ever since — a period of twenty-seven years. His long establishment in one building, perhaps, gives a hint of his character, a dominant peculiarity of which is its conservatism and dislike of change. Shortly after beginning practice, Mr. Johnson formed a partnership with Judge William C. Jones, which continued until the latter was elected to the Criminal Bench in 1874. His next partnership was with his brother, Charles P., and Joseph G. Lodge. When two years had elapsed, Mr. Lodge withdrew, and the firm became C. P. and J. D. Johnson and so continued until July 1, 1896, when the business association was dissolved by mutual consent, and since then each brother has practiced alone.

Mr. Johnson is a member of the Legion of Honor, and of the G. A. R., Frand P. Blair Post. He has never cared to meddle with affairs political, for this profession has been to him all sufficient. His life effort has been to perfect himself in the law, and thus his time has been so fully occupied that he has never been seen in the political lists. However, he appreciates the importance of good government, and has in nowise neglected his political duties as a citizen. He is a strong Republican.

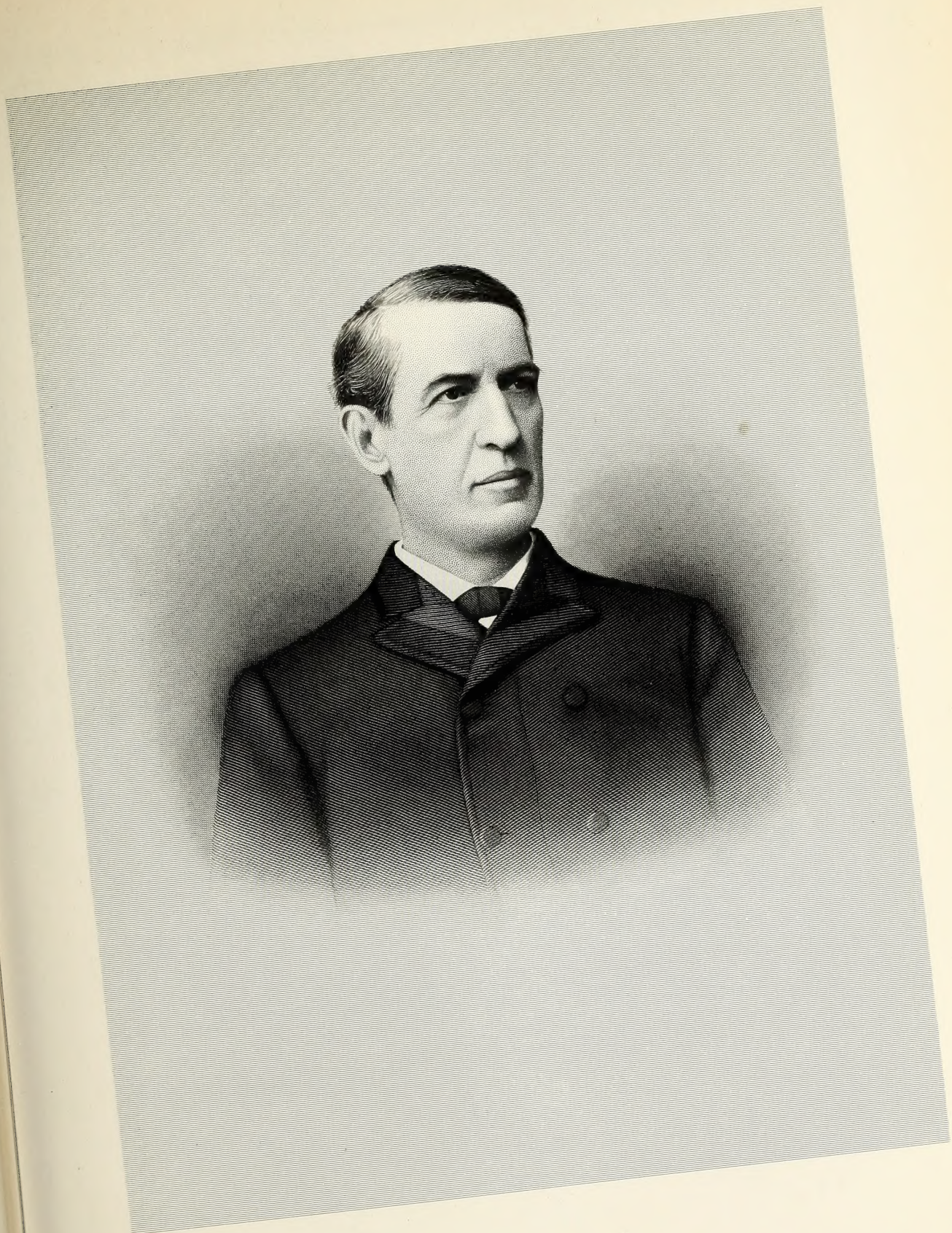
Mr. Johnson has devoted his talents exclusively to the civil law. While in partnership with his brother, he attended to the business in this branch and the Governor took care of the criminal cases. John D. Johnson in his department has become as proficient as any man in the profession, and has now achieved the benefits of a splendid practice. He is unsurpassed in the general management of a case, and is especially respected for his powers as a cross-examiner of witnesses. His examination of a witness is a full dissection of the case, his series of questions resulting in bringing out every atom of truth in the remotest degree helpful to the cause of his client. Nor is he less logical in his address to a jury than skillful in examination. He is a tireless worker and to every detail of a case he gives especial attention. His briefs show great care and undivided attention to the question under consideration and are models of excellence. He is very domestic in his habits, of quiet demeanor and would strike one as a man of great reserve force. He has been married three times, and has three grown children and two small ones. His eldest son, Loomis Johnson, is a promising young lawyer in his father's office.

BRECKINRIDGE JONES,

SAINT LOUIS.

BRECKINRIDGE JONES was born October 2, 1856, near Danville, Boyle County, Kentucky. His father was Daniel William Jones, who married, October 18, 1842, Rebecca Robertson Dunlap. He was a merchant and extensive farmer and trader in Central Kentucky until the breaking out of the Civil War.

He was outspoken in his sympathies for the South, and therefore, in November, 1861, was indicted for treason in the Federal Court, at Frankfort, Kentucky. His health prevented him from enlisting in the Confederate Army, but his well-known Southern sympathies forced him to remain away from his home, and further South, almost throughout



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the war. At the close of the war he took his family to New York City, where, for two years, he was a banker and broker in Wall Street. While there, his home was on Staten Island, from which his son, Breckinridge, during the session of 1866-7, attended the well-known school of George C. Anthon, New York City.

In 1867 the father returned with his family to Kentucky, and was the daily companion and adviser of his son during the latter's college days. By this association the views and characteristics of the father were impressed on the son. He was of impulsive temperament, quick to resent an insult, decided and pronounced in his likes and dislikes, of mature and wise judgment, a liberal provider for his family, and a hospitable and constant entertainer of his friends. He was the son of Robert Jones and his wife, Nancy Talbott. This Robert Jones was the son of a Baptist preacher, John Jones and his wife, Elizabeth Elrod, whom he had married at Shallow Ford, then in Yadkin County, North Carolina, and came to Kentucky among its earliest settlers, living at Bryant Station more than a year. This John Jones was a son of David (or John) Jones, from Wales, and Mary (Polly) McCann, from Ireland. Elizabeth Elrod was the daughter of Robert Elrod, from Germany, and his wife, Sarah Wilson, from England. Nancy Talbott, the grandmother of the subject of this sketch, was the daughter of Demovil Talbott, a Revolutionary soldier, and his wife, Margaret Williams, both of Bourbon County, Kentucky.

The mother of our subject is of the best strain of those Scotch-Irish settlers who, about 1735, settled in the Valley of Virginia, and became the earliest and most heroic of Kentucky's earliest settlers. Her brothers were all men of distinction. George W. Dunlap was one of the war Congressmen from Kentucky, and was for a generation one of the leaders of the bar in his State. He was the father of that gifted Kentucky poetess, Miss Eugenia Dunlap Potts. Theodore Dunlap, a distinguished physician, died in middle-life. Richard W. Dunlap was for many years Chairman of the State Board of Health of Kentucky, and a physician of national prominence. Another brother, Lafayette Dunlap, was at twenty-two years of age, a member of the Kentucky Legislature; afterwards an officer in the war with Mexico; went to California in 1848, and died within a year, having been elected a member of the Legislature there. Her father, George Dunlap (born January 29, 1789, died June 30, 1851), and whose picture adorns the walls of the court house of Lincoln, one of the three original counties in Kentucky, was there for many years "a member of the County Court under the old constitution." It is said of him that he stood as a public arbitrator among his neighbors, scarcely ever permitting a case to come to trial, and never issued a fee bill in his life. Of this family was the gallant Hugh McKee, another Kentuckian, recognized as one of the heroes of the American navy. He led the attack and was one of the first to reach the forts of Corea, Asia, June 11, 1871. Admiral Rogers, in the report of the fight, said: "The citadel has been named Fort McKee in honor of that gallant officer, who led the assault upon it, and who gave his life for the honor of his flag."

Breckinridge Jones entered the Kentucky University at Lexington as a freshman, in September, 1871, and the next year, his father having bought a home at Danville, Kentucky, the son entered Centre College, from which he was graduated in 1875. During the following session he taught in a graded school at Lawrenceburg, Kentucky, and the two years after was a law student in the office of the distinguished Col. Thomas Peyton Hill, at Stanford, Kentucky, being admitted to the bar in 1877. In October, 1878, he came to St. Louis, entering the law office of Lee & Adams. That winter he attended the St. Louis Law

School, and the following summer attended the summer Law School at the University of Virginia.

In November, 1883, he was elected from St. Louis, a member of the Missouri House of Representatives.

On October 21, 1885, he married Miss Frances Miller Reid, of Stanford, Kentucky, and five children bless the union. She was a daughter of John M. Reid and Elizabeth Hays, his wife, and of Scotch-Irish descent.

Mr. Jones continued the successful practice of law until the fall of 1888, when, by reason of the interest of himself and immediate friends, he undertook the reorganization of the Decatur Land Improvement and Furnace Company, at Decatur, Alabama. By reason of the yellow fever epidemic there that year, this work kept him from St. Louis until 1890, when he returned to St. Louis, and in the fall of that year became the Secretary of the Mississippi Valley Trust Company at its organization—capital then, $1,500,000. In 1893, that company increased its capital $2,600,000. In February, 1894, Mr. Jones was elected Second Vice-President and Counsel, and in 1897 was elected First Vice-President and Counsel, which position he now holds.

Mr. Jones is a lawyer of ability and force and a business man with a ready grasp of complex propositions. He is one of St. Louis' most enterprising citizens and takes an active interest in public matters. He is prominently connected with a large number of business enterprises, among them the Kinloch Telephone Company, which is about to install its new telephone exchange in St. Louis, and with the Citizens' Electric Lighting and Power Company, about to enter the electric lighting and power business, and is President of the Century Building Company, the owner of one of the finest office buildings in the West.

WILLIAM CUTHBERT JONES,

SAINT LOUIS.

IT is a notable fact that the strong men in American professional life—the men who discover, achieve and create—have, with very few exceptions, drawn their earlier inspirations from country scenes and conditions. Just as the physical man who enjoys the freedom and freshness and invigoration of the air of woodland and prairie is healthier, heartier and wholesomer than his hot-house urban neighbor, so the intellectual man, who forms his mental habits where the conditions and environments are those of nature only, becomes more self-reliant, more tolerant, more disposed to the application of fundamental principles, and, consequently, more capable than he whose views and logic are narrowed and shaped by the artificial conditions and experiences of metropolitan life.

Judge William Cuthbert Jones is an exemplar of this proposition. A tall, well proportioned and agile figure gives earnest of a broad, independent, liberal and aggressive mentality. Seeing him, one would expect to find in him a strong, resonant voice, a clear enunciation, an incisive reasoning power and a generous, but fearless style of speech. And such are the qualities which have won for him popularity, distinction and a pronounced success in his profession.

His remote ancestors were Welsh; and the cheerful philosophy which taught them that most of life's problems are easier than the one they solved in getting a living out of their own rocky country, still abides in the race. The hardships of early American life only



W. C. Jones

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lured them, and his people were old settlers in Virginia when the War of the Revolution began.

Gabriel Jones, great grandfather of the gentleman under consideration, was a Captain in General Washington's army. His son, Francis Slaughter Jones, established himself at Culpepper Court House, in Virginia, and in course of years became possessed of a fine plantation there. His son, Cuthbert T. Jones, was born there, and he in 1802 married Eliza R. Treat, daughter of Hon. Samuel Treat, formerly United States Indian Agent at Arkansas Post.

The young husband had chosen the medical profession, and located at Bowling Green, Kentucky, where, on July 16, 1831, William Cuthbert Jones was born, he being the third of eleven children. In 1834 Dr. Jones moved to Chester, Illinois, which became his permanent home. There William and the other children received their elementary education. Having finished his common school course, William entered McKendree College, at Lebanon, Illinois, and graduated in the class of 1852. He returned to his home in Chester, but soon thereafter went to Bowling Green, Kentucky, where he entered upon the study of law in the office of Loving & Grider. He felt that he had no time to spare, and taking advantage of an extraordinary constitution and physique, he pushed his studies so untiringly that within a year he was enabled to pass the examination that admitted him to the bar.

He soon thereafter returned to his home in Chester, where he practiced law until September 1, 1854, when he came to St. Louis, which was not then so great as now, but still had metropolitan proportions. The professional standard at that time, so far as the law was concerned, had been established by men of national reputation; and a knowledge of law, constitutional and fundamental, was very essential to practice and progress. The newcomer had a long and hard road to travel, therefore. He formed a partnership with William L. Sloss, which, at the end of a year, was dissolved, after which Mr. Jones formed a new professional association with W. W. Western, of Hopkinsville, Kentucky. The firm prospered and continued in business for nearly five years. In 1860 the partners separated, and very soon thereafter Mr. Jones and the late Judge Charles F. Cady became partners. They remained together until the opening of the Civil War a year later. Although a Democrat, and of Southern birth, Mr. Jones was an ardent Union man, and he did not hesitate to prove his faith by his works. On May 8, 1861, he enlisted, and was commissioned Captain of Company I, Fourth United States Reserve Corps, under Colonel B. Gratz Brown. The command was detailed for duty in Southwest Missouri, and Captain Jones served there until the regiment was mustered out. In 1862 he was appointed Paymaster of United States Volunteers, with the rank of Major, which position he held until the close of the war. He was mustered out November 15, 1865, after an active service of four and one-half years.

Like every other professional man, who had abandoned practice for war, Major Jones had to contemplate the problem of building up a new clientele. He had conceived such a strong distaste for the criminal practice, which at that time was necessarily associated with the civil, that, on his return from the army, he seriously considered an abandonment of the profession. While he was still hesitating, an opportunity offered for entering into a partnership with Wyatt C. Huffman, in the business of sign and steamboat painting. He determined to make the experiment, and it proved successful financially, but in one year, his health became so impaired that he was compelled to abandon the business, and he then returned to the law. He associated himself with Charles G. Mauro, and they soon had a

good practice. They remained together till 1871, when the firm dissolved, and Major Jones entered into partnership with John D. Johnson.

In November, 1874, Major Jones was elected Judge of the Criminal Court, and it was during his incumbency of this position that the remarkable intellectual qualities which he possessed, and which had already been recognized by his legal associates, became conspicuous. He had the art of ruling against an attorney without inviting animosity, sacrificing good-will, or suggesting partiality. His instructions to juries were carefully prepared, and were such models of diction and clearness that they are even yet referred to by lawyers, as the writer of this sketch can attest. Although his term on the bench comprehended a large number of noted and difficult cases — such as that of the Kring murder, the Ida Buckley murder, whereof McNeary was accused, and the assassination of Francisco Palmero by five parties to a Sicilian vendetta, the record of Judge Jones was wonderfully free from reversals.

Retiring from the bench in December, 1878, Judge Jones resumed practice, associating himself with Rufus J. Delano until 1883, after which he practiced alone until 1885, when he admitted his son, James C., as a partner, and thus the firm is still constituted.

Although never a time-server or office-seeker, Judge Jones has ever manifested a warm interest in politics. Like all those readiest to go the front, he was among the first to extend the hand of fellowship when the war ended, and thus he became identified with the Liberal Republican movement, and although the advocacy of its tenets meant unpopularity, did not hesitate to exemplify his faith by standing as a candidate for Clerk of the Circuit Court, although doomed to certain defeat. He was likewise a supporter of Seymour and Blair and was a candidate for Elector on that ticket. In the campaign of 1896 he was active among those Democrats who protested against the attitude of their party. He is prominently identified with the order known as the Knights of Honor, having been Grand Dictator, a member of the Supreme Lodge for twelve years and Chairman of the Committee that framed the constitution governing that body.

November 20, 1856, Judge Jones was married to Mary A. Chester, daughter of Joseph Chester, of Chester, England. Seven children have been born to them, but only four survive, two sons and two daughters. The second in point of age, James C., is his father's partner, and has already made a record as one of the able young members of the St. Louis bar.

CHARLES FREDERICK JOY,

SAINT LOUIS.

CHARLES FREDERICK JOY, lawyer and publicist, comes of that courageous and independent Puritan stock which faced the terrible privations of the wilderness and under difficulties that were great enough to appal the stoutest heart, assisted the Virginia Cavaliers in planting civilization on these shores. And in the pluck displayed on many occasions, in the manifest genius to lead and conquer, Mr. Joy in his life demonstrates that much of that Puritan fearlessness and innate ability to rise superior to circumstance, has descended to him unimpaired by the softening influence of a more luxurious civilization than that of the pioneer days which made vigor and strength to battle with adverse circumstances a necessity of survival.



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Charles Frederick Joy was born at Jacksonville, Illinois, December 11, 1849. His father, whose Christian name he bears, and his mother, whose ante-hymeneal name was Georgiana Eunice Ames Batchelder, were both natives of New Hampshire, who sought a home in Illinois as early as 1839. At the time of his death in 1864, the elder Joy was one of the respected and prominent citizens of Jacksonville. He was a brother of Hon. James F. Joy, the great railroad lawyer of Michigan. The home influences surrounding the subject of this biography were calculated to make of the boy an upright, honorable man, and these righteous and salutary influences have borne fruit in successes and honors achieved.

Given a good preliminary education in his native town, the young man was sent East to enter the academical department of Yale College. Four years later, or in 1874, he graduated from the college with credit. Proceeding directly from New Haven to Shamokin, Pennsylvania, he, at the last named place, entered upon the study of law. A year later he was admitted to practice in Pennsylvania, but it was not his determination to locate there, however, as he came at once to St. Louis, where he was admitted to practice in the State Courts by Judge Hamilton, and to the United States Courts by Hon. John W. Noble. He formed a partnership with Joseph R. Harris, and went to work with the determination to make a record. He was associated with Mr. Harris up to the date of the latter's election to the Circuit Attorneyship, since which time Mr. Joy has never been associated in any legal partnership.

It is not surprising that one of Mr. Joy's force of character and great mental vigor should become interested in public affairs. For a decade or more he has been recognized as a leader in the local and State councils of the Republican party, but it was not until 1890 that he was put forward for an important office, being the Republican nominee, in that year, for Congress in the Eighth District. He was placed on the ticket without his consent and against his protest, as he realized that the pressing demands of his private practice would not, without great sacrifice, justify him to make the canvass. The same conditions existed two years later, and again he begged that his name be withdrawn from the ticket, but his appeals were ignored, as his party realized that in him was to be found an important element of strength. His unblemished reputation and his splendid personal popularity brought him through all right, after a thorough canvass of the district, always Democratic. He ran ahead of his ticket and was elected, but his opponent, John J. O'Neill, having exhausted every effort to win, was loth to abandon the case so summarily, and therefore disputed the verdict of the people. Under the contest instituted, the recount largely strengthened Mr. Joy's claims, but in face of such results, Congress unjustly seated O'Neill. Many fair-minded Democrats who had voted against Joy, acknowledged his election and protested against such high-handed methods. It won the latter general sympathy and his manly, dignified attitude under such injustice had the effect of increasing his well-nigh universal popularity. His party would accept no other nominee for the office in 1894, and he was triumphantly elected beyond dispute. He was once more a candidate in 1896, and was elected over an opponent of great popularity.

Congressman Joy has proved a most valuable representative of the people. His course has always been dignified and conservative, and he is held in the highest esteem by his colleagues. He is a forceful speaker, and whether on the floor of the House, on the hustings or before a jury, understands in a remarkable degree the art of adapting himself to place, persons and circumstances. As a lawyer, he has been very successful and enjoys the income from a splendid practice. Much attention has been given by him to corporation

law and his knowledge of this branch is thorough. His practice is now mostly civil, although he has frequently demonstrated his strength before juries in criminal cases. Of the latter, one of the most celebrated was the trial of Col. John A. Cockerill, of the Post-Dispatch, for the killing of Col. A. W. Slayback, and which served to illustrate Mr. Joy's brilliancy and ability in an eminent degree. He defended Colonel Cockerill and secured the acquittal of his client.

Mr. Joy married Miss Arabel Ordway, daughter of Rev. Jairus Ordway, of Salem, Connecticut. Mrs. Joy died in December, 1880, leaving one child, a boy, who soon followed his mother across the Dark River which divides the Here from the Hereafter. In 1895 Mr. Joy again married, espousing Mrs. Elizabeth Ina Ryer, nee Grant.

EDWARD DUDLEY KENNA,

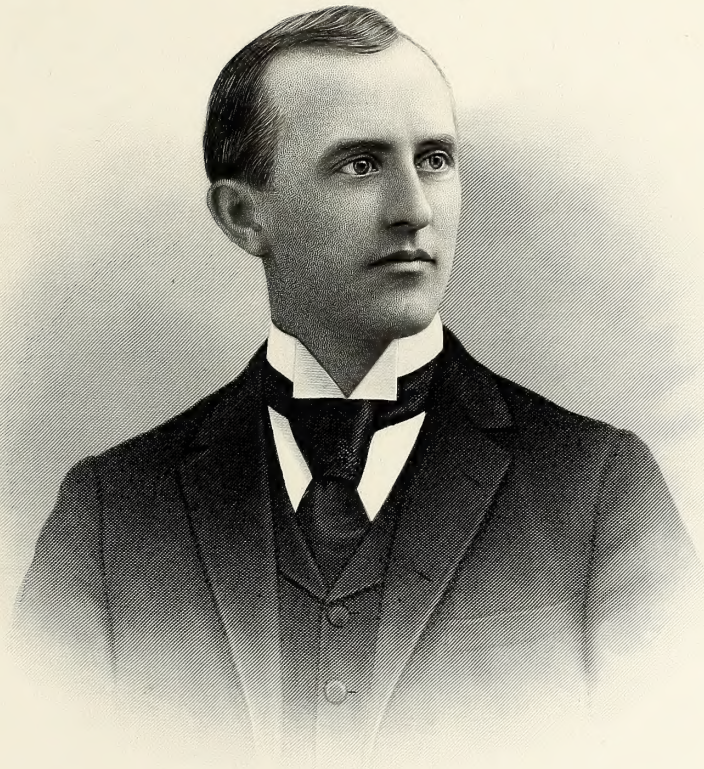
SAINT LOUIS.

ST. LOUIS is the home of many excellent lawyers, but few of them have attained so high a position in so short a time as Edward Dudley Kenna, of whose career this is a brief sketch. He is an Illinoisan by birth, having been born in the classic old town of Jacksonville, on November 19, 1861. His father, M. E. Kenna, took for his wife Miss Ellen Pitcher, and to her careful training in his youth the present Mr. Kenna can attribute much of the progress he has made in life.

In 1870 the parents moved to Springfield, Missouri, where the son was educated in the public schools. He began the study of law at an early age, being admitted to the bar at Springfield in May, 1880, before he had reached his nineteenth year. He at once entered upon the practice of law in that town, and in May of the following year he was offered and accepted the position of Assistant Attorney of the St. Louis & San Francisco Railroad, which caused him to make his headquarters in St. Louis. This post was held by him until October, 1889, when he received the appointment of General Attorney of the company, which promotion placed in his hands the control and management of all the legal affairs of that corporation.

The lawyer of to-day who was admitted to practice while yet a boy of less than nineteen years, is certainly gifted with exceptional brilliancy, and must have been cast in no common mould. Mr. Kenna has demonstrated that years are not necessary to reputation in the legal field. This fact was emphasized when, in the ensuing year, having not yet reached his twentieth birthday, he became the Assistant Attorney for one of the largest railroad corporations in the West, and though still at an age when in the nature of things, most lawyers are only beginning to enjoy their first triumph, he now occupies and discharges the duties with signal ability of one of the most responsible positions in the country.

As General Attorney of the St. Louis & San Francisco Railroad he had an advantage at the bar possessed by few lawyers in Missouri. In all the multifarious litigation in which his company was involved for sixteen years, he was called on to act and decide, though many of the cases were of such vast importance as to array against him some of the foremost lawyers of the United States. With such men as these as opponents, the ability of Mr. Kenna was put to a severe test, but all such controversies have invariably reflected the brilliancy of his talents and served to demonstrate his exceptional ability. That interests of such magnitude should be entrusted to the care of one so young, is the highest possible testimony of his



E. D. Kenna

Legal Publishing Co. St. Louis.

skill and legal fitness, and the great number of noted and intricate cases with which he has been connected in so short a time is also cause for gratification. When the 'Frisco lines went into the hands of a receiver, Mr. Kenna was offered, in 1896, the position of General Solicitor of the Atchison, Topeka & Santa Fe. This is one of the greatest railway systems of the country and it maintains headquarters at Chicago. He still occupies that place.

Although he gives to every detail of a case the deepest study and the closest scrutiny, he does so only that he may strengthen and make more lucid the weightier points in his argument, for when pleading before the court, it is constantly noticeable that he has the peculiar sense which distinguishes the salient features of any contention, and skill to employ them to the best advantage. Yet, notwithstanding, his penchant for simplicity of demonstration and calmness and candor in reasoning, he can, when the occasion arises, be truly eloquent, his oratory being enhanced by a ready and extended command of language and imposing presence.

He is endowed with literary tastes and tendencies of a pronounced order, and constantly discovers that he is much aided thereby while performing his legal duties. He is a tireless reader and student, and the result is evinced in the continual broadening and brightening of his naturally fine mentality.

In politics Mr. Kenna is a Democrat, and a most earnest and consistent one, but, like many successful lawyers, he has never aspired to political office, seeking rather to serve his party by hard work as a private citizen, in which capacity he has often assisted the Democracy of St. Louis and the State generally.

WILLIAM H. KENNAN,

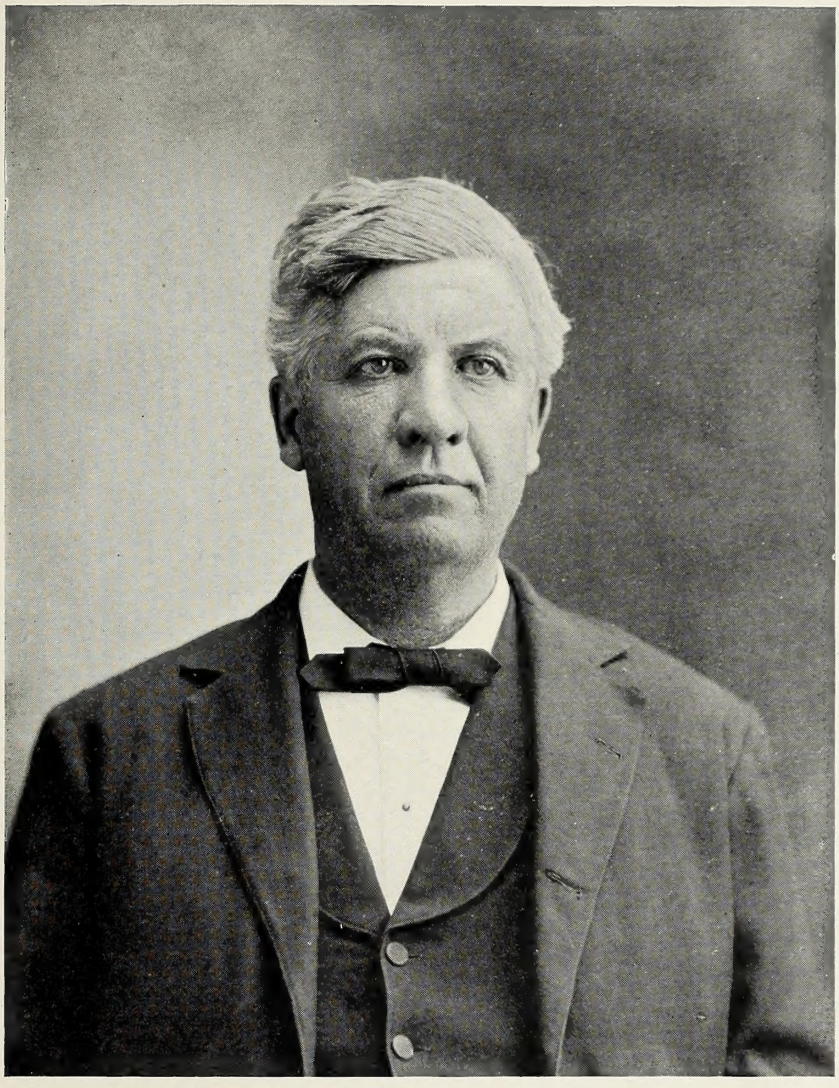
MEXICO.

THE career of Gen. William H. Kennan has been a most active and eventful one. In war and in peace, in public and in private life, he has discharged every duty with conspicuous courage and fidelity. He is the son of Samuel and Harriet W. Kennan, and was born in Boone County, Missouri, September 16, 1837. The father, Samuel Kennan, was born in Fleming County, Kentucky, and moved to and settled in Missouri near Columbia, Boone County, in 1832. Soon after coming to Missouri he married Harriet W. Rogers, who had, with her mother, Mary Rogers, come from near Lexington, Kentucky, to Missouri in 1830, and settled near Columbia. Samuel was the son of William Kennan, a native of Westmoreland County, Virginia, and in his day a man of character and influence. He moved to Kentucky in an early day with his brother-in-law, Capt. Thomas Marshall, and was chosen as the first Clerk of the Circuit Court of Fleming County. He was a Whig, and after serving as Clerk, represented that county in the Kentucky Legislature. He was a Baptist preacher without pay. In the Indian War of 1794, at Sinclair's defeat in Ohio, he distinguished himself by his heroic efforts to save himself, together with a wounded comrade, from the relentless tomahawks of the savage foe. His father, William Kennan, the great-grandfather of General Kennan, was a Scotchman, and emigrated to America, settling in Virginia some time before the Revolution. General Kennan's mother, Harriet W. Rogers, was born near Bryant's Station, near Lexington, Kentucky, and also came of Virginia stock. Her grandfather, Joseph Rogers, lived to the advanced age of ninety-six. Her father, George Rogers, died early in life, in Kentucky.

General Kennan was educated in the common schools of Missouri and at the Missouri University, at Columbia. Scarcely had his schooling been completed at the University, when the War of the Rebellion began. True to his Southern origin, he espoused the cause of the Confederacy. He enlisted in the Missouri State Guards, and his first important engagement was the battle of Boonville, in which his father also fought on the Confederate side. But that was the latter's first and last battle. After the conflict was ended, he announced himself fully satisfied with "grim visaged war," returned to his home near Columbia and quietly and peaceably remained there throughout the war, fortunate in escaping molestation of any serious nature. His son, however, continued in the Confederate service, and after Boonville, participated in the battle of Lexington. Afterward he was transferred South and there passed through many hot engagements and made many wearisome marches. He entered the service as a private in Company C, Sixteenth Missouri Infantry, C. S. A., commanded by Col. Levin M. Lewis, of Clay County, and which was a part of Gen. Monroe M. Parson's brigade. He was first promoted to be Fourth Corporal, then Fourth Sergeant. He was next made First Lieutenant, and the next step made him Adjutant of a regiment. He surrendered at Alexandria, Louisiana, June 8, 1865, nearly two months after the surrender of Lee. During the administration of William J. Stone as Governor of Missouri, he commissioned the subject of this sketch as one of his military staff, and conferred on him the rank of Brigadier-General.

After his surrender in 1865, the young veteran returned to his home in Boone County and soon thereafter resumed the study of law which he had begun, before the war, under the direction of Hon. James M. Gordan (who lived on a farm near Columbia). In 1869 he was admitted to practice by Judge George H. Burckhartt, Circuit Judge of the Judicial District, at the town last named. On the twenty-sixth day of September of that year, he went to Mexico and began practice in the office of the late Gov. Charles H. Hardin, and has actively engaged in professional work there ever since. He remained with Governor Hardin until the latter retired from practice and next, in 1874, formed a partnership with Daniel H. McIntyre, which continued up to the date of Mr. McIntyre's election to the Attorney Generalship of Missouri in 1880. Since then he has had no law partner.

The first civil office held by General Kennan came in 1871, when he was elected City Attorney of Mexico, and on the expiration of his term succeeded himself in that office. In 1884 he was nominated by his party, without opposition, for Representative of Audrain County, and duly elected to the Thirty-third General Assembly. He made a record as one of the most aggressive and capable Representatives in that body, serving both on the Judiciary and Appropriations Committees, the two principal committees through which the House enacts legislation. He is a Democrat, and is one of the most active and influential adherents of that political faith in Audrain County. He was Chairman of the Democratic Central Committee of that county for six consecutive years, and as such inaugurated the system of selecting delegates for all conventions, etc., by school districts. He has been one of the most enthusiastic of all the friends of the Confederate Home at Higginsville. He was one of the prime movers in its behalf from its inception to the time it was turned over to the State in 1897. In fact, it was he who conceived the plan of transferring it to the State, as the burden of its maintenance had proved too heavy for private charity. He also drew the bill passed by the Legislature and the deed whereby it passed to the control of the commonwealth. His civic pride is only exceeded by his interest in the cause of education, and he has contributed much both to the advancement of his town and its



W. H. Kennan

schools. At the present time he is a member of the Board of Directors of Hardin College, and is President of the Farmer's Mutual Fire and Lightning Insurance Company, both of Mexico. He is a member of the A. O. U. W. and a communicant of the First Baptist Church of Mexico.

On November 2, 1871, General Kennan married Miss Cordelia P. Jenkins, daughter of Major Theodoric Jenkins, of Boone County. Her mother was Eliza Duncan, of Lexington, Kentucky. Mrs. Kennan died November 27, 1893, deeply regretted by her husband and surviving children. Their oldest child, Mary Hardin Kennan, a bright and lovable girl, died April 11, 1888. The surviving children are: Harriet Rogers, Carrie Jenkins, Florence Maitland and Churchill B. Kennan. Since the death of his wife, the husband has never re-married, but lives happily with his three daughters and son.

General Kennan is a skillful lawyer, and has been connected with many of the important cases that have come before the bar in his part of the State in recent years, as the reports of the Supreme Court and Court of Appeals will show. One of these, which attracted much attention at the time, was the suit of Waddingham vs. Waddingham, for divorce, wherein the plaintiff attempted to prove that the defendant had a husband living at the time of his marriage to her. Congressman Champ Clark, one of the best known public men and lawyers in the State, writes thus of General Kennan, whom he has known for years:

"General Kennan is a splendid specimen of Missouri physical manhood. In personal appearance he presents a striking resemblance to the late Samuel J. Randall, the Pennsylvania Democrat. His chief characteristic is absolute fidelity in all the relations of life, a more honorable man, a more faithful friend, a more candid adviser never lived. In very truth his word is as good as his bond. His moral as well as his physical courage is above all cavil and all doubt. If he thinks a thing is right he does it, regardless of opposition or censure. He despises an act of meanness with the intensity of Roscoe Conkling himself." One of the General's pronounced traits of character is his promptness on all occasions. When he makes an appointment he is there to the minute. He never permits himself to be called into court when he has business that requires his attention elsewhere, and it is a notable fact that he has never missed a roll-call of the various boards to which he belongs, except when illness or absence from home prevented. His absolute reliability in all respects makes him an example of regularity and exactitude, by a study of whose habits many of his fellow-men might profit.

JACOB KLEIN,

SAINT LOUIS.

JACOB KLEIN, Judge of the Circuit Court of St. Louis, was born September 1, 1845, in the little town of Hechtschein, in what was then Hesse-Darmstadt, but is now a portion of Prussia. His father, John M. Klein, and his mother, whose maiden name was Caroline Guth, were Germans of the good old school, whose characteristics were thrift, industry and health and honesty. Jacob Klein inherited these desirable traits and exhibits them to this day. Still those who know him now recognize him more as an American than as a German, for the reason that during his career of nearly half a century in this country he has, while retaining all the sturdiness of the Fatherland, become thoroughly imbued with the habits, customs and principles of the Republic. To emphasize this fact, it is

necessary to state that his parents came with him from Germany to the United States as long ago as 1851, landing at New Orleans, and a year later settling in St. Louis.

He was educated in the public schools of St. Louis, and as a pupil exhibited an aptitude for gaining knowledge which is seldom found in the young. He had excellent teachers, who took both an interest and a pride in him. Being thus fortified scholastically, he began the study of law by reading in the office of the well known Missouri advocate, Seymour Voullaire, with whom he remained a year and a half. Then he continued his studies with the law firm of Knox & Smith, composed of Hon. Samuel Knox, who was a member of Congress, and the noted Judge Irwin Z. Smith, who is remembered with admiration by all citizens of Eastern Missouri for thirty years back. In the year 1869 he was admitted to the bar, being then about twenty-four years of age, and immediately began the practice of law in St. Louis, where he has remained and labored ever since.

As an illustration of Judge Klein's love for thoroughness, it is proper to mention here that after his first year as a lawyer he abandoned all practice and went through a course at the Harvard Law School for the purpose of completing his legal education. Here he graduated in the class of 1871, coming out with the degree of LL. B. Thus reinforced professionally, he returned to St. Louis and resumed his practice at the bar, and for nine years practiced alone. During this period a bright young man named William E. Fisse studied law in his office, and in 1881 he became the partner of Mr. Klein, the firm name being Klein & Fisse. It was a pleasant and profitable combination of interest and ambitions, redounding to the benefit of both. Mr. Fisse later attained local distinction as a member of the St. Louis School Board and now stands high at the metropolitan bar. The partnership lasted until January, 1889, when Mr. Klein entered what might be termed legal politics and retired from active practice. That is to say, he was elected Judge of the Circuit Court in 1888, and in 1889 took his seat, which he still occupies, in Court Room No. 1.

There have been varied elements that have contributed to the elevation of Judge Klein, but perhaps the principal of these is a firmness and impartiality that almost reach severity in their rectitude, all his successes, whether on the bench or before the bar, being inspired by a desire to not only do justice to the litigants, but to also decide or plead in consonance with an elevated conception of right and duty. By this it is meant that in all his arguments and decisions, legal technicalities are not permitted to supersede common sense. The result of this admirable judicial qualification is seen in the fact that when appeals have been taken from his court his rulings have generally been affirmed by the higher tribunal. Being essentially a man of the law, his chief pleasure in life is the conducting of difficult cases. He delights in disentangling and simplifying, and the intricacy of a case only serves to stimulate him to mental brilliancy. The secret of his popularity, if secret it can be called, may be discovered in his unswerving fixity of purpose and devotion to duty. The general good of the people is also an objective point in all his acts. An instance of this can be found in the case of the State of Missouri at the relation of the Attorney General vs. Schweickardt, which came up before him, and which involved the right of the City of St. Louis to control the refreshment privileges of Forest Park. His ruling was unsatisfactory to the plaintiff, who took an appeal, but the higher court affirmed Judge Klein's decision, much to the gratification of the public in general.

For inborn ability, temperate decisiveness and prompt execution, the Circuit Bench of St. Louis has not often had the equal of Judge Jacob Klein. He is a Republican in pol-

itics, and a most earnest and consistent one, having battled steadily and hopefully for years against disheartening Democratic majorities. The reward of his fidelity and valor came when he was a candidate for the Circuit Judgeship, in which contest he ran so far ahead of his ticket as to reach the goal by more votes than had ever been given any candidate for a similar position in his community.

His adopted city always finds him a willing servitor in her time of necessity, and he has constantly proven himself thereby a model St. Louisan. One phase of his public-spiritedness has found expression through the St. Louis Law School, which has long been an object of interest to him. He is now one of the faculty of that noted school and in his conscientious devotion to his work is not excelled by any of his colleagues. In this capacity he occupies an exalted position, being the one who lectures to the graduates and advanced students. He is considered one of the most learned members of his profession in St. Louis.

The marriage of Judge Klein occurred April 17, 1873, when he took for his wife Miss Lilly Schreiber. They have four bright children, who inherit all the praiseworthy characteristics of the parents. The Kleins have always been residents of South St. Louis, where their social graces have gathered around them an ever-growing throng of friends.

SAMUEL KNOX,

SAINT LOUIS.

THE venerable Samuel Knox of St. Louis was licensed to practice law in Missouri fifty and nine years ago. That carries us back to 1838, when Missouri as a State lacked three years of having reached her "majority." Although he is retired now, his practice in Missouri reaches across the span of a half century, and there are few if any Missouri lawyers now living who were admitted to the bar earlier than he. Even the venerable Melvin L. Gray, of St. Louis, was admitted to practice after Mr. Knox, or to be more specific, May, 1843. Judge Nathaniel Holmes, now a resident of Massachusetts, was admitted at St. Louis in 1840, and the venerable Samuel Knox and these, as far as known, are the only lawyers of that early period living. It will thus be seen that Mr. Knox is the senior in point of admission of any living St. Louis lawyer, and is perhaps the oldest living lawyer licensed by any Missouri court. A reference to these venerable men and the lawyers and conditions of that remote period will be found in Mr. Gray's entertaining and instructive narrative, which is a part of his biography in this volume.

Mr. Knox is a lawyer by birth as well as training, by natural inclination as well as experience. He comes of a race of lawyers, and in the days of his practice was one of the ablest representatives of the St. Louis bar. He was born at Blandford, Hampden County, Massachusetts, March 21, 1815, almost three months before Napoleon met disaster before the allies of Europe at Waterloo. That was nearly two years before James Monroe, fifth President of the United States, was inaugurated, and since that time twenty different Presidents have occupied the White House — surely much of history to be included in one lifetime. Mr. Knox is the son of Alanson and Lucinda (Knox) Knox. The father was a lawyer, a man of high ability, and one who received honors at the hands of the people of his native State. He served in both branches of the Massachusetts Legislature and was a Major General of State militia. The Knoxes were of Scotch origin and were among

the earliest American colonists, reaching these shores in 1650, less than thirty years after the landing of the Mayflower, and settled in Massachusetts Bay Colony. Samuel Knox, the maternal grandfather of our subject and after whom he was named, was likewise a citizen of influence in his community, and served his people in the Legislature. In 1840 the father of Mr. Knox moved to Ohio and practiced law there until his death.

Our subject was educated in the academies of Massachusetts and at Williams College, the same State, from which he graduated in the class of 1836. Having made up his mind to adopt the law as a profession, he entered the office of Chapman & Ashmun, two of the most accomplished Massachusetts lawyers of that day. Judge Chapman afterward became Chief Justice of the Supreme Court of Massachusetts, and Mr. Ashmun represented his district in Congress for many years. Their young protege after reading law in their office for a term, entered the famed law department of Harvard University; there completed his studies, graduating in 1838.

The newly fledged lawyer with the object of bettering his condition determined to leave his native State. At that time St. Louis was only a little river town on the edge of a wild and untamed empire, and was apparently a most impossible place for a lawyer and Harvard graduate. But the latter, with that rare good judgment which has always been one of his marked characteristics, saw that the territory west of the mighty river would soon be settled and tamed, and that St. Louis, because of her natural advantages, would thenceforward develop rapidly, though he admits that the actual results in that line far exceeded his most sanguine expectations. His first step after locating in the little river town was to seek and obtain admission to the Missouri bar. This was accomplished in 1838, fifty-nine years ago. He was enrolled as an attorney in the St. Louis Circuit Court, July 13, 1838. He at once began practice and continued as one of the most successful lawyers of that city through a period of fifty years, and for that length of time exercised a marked influence on the growth of his adopted city and the development of the State.

As those who know him now will understand, it was no great length of time ere the young lawyer's activity of mind led him to take an interest in public affairs, and that his force of character and sharply defined individuality carried him to a position of leadership in affairs in the young city. In 1843 and 1844 he stood as a candidate for the House of Delegates; running as a Whig he was elected by a Democratic constituency, an event that was a splendid test of his popularity. By the House of Delegates he was elected chairman, filling the place with satisfaction to all his colleagues. In 1845 he was appointed City Counselor and served in that capacity until the end of his term in 1846. Then he declined to accept further public office for more than fifteen years, in the meantime giving his law practice his close attention with the most satisfactory results. In 1862, in the heat of war time, when his fellow-citizens again demanded public service at his hands, he felt that it was his duty to respond. In answer to a call signed by many prominent citizens he consented to become the Radical Republican candidate for Congress in what was then the First District. His opponent was Hon. Frank P. Blair, who ran on the Conservative Republican ticket. The certificate of election was given to General Blair. Mr. Knox contested; after two counts the office was given to Mr. Knox. Again in 1864, responding to the call of twenty-five hundred citizens, he became an Independent candidate for Congress. Elections of those troublous times were very loosely conducted. Many of those who were permitted to vote outside of the city were Illinoisans and not entitled to cast a ballot for his district while a number of the votes cast for him by the men in the army never did reach the district,



Samuel Kerr

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and hence he was defeated. Such injustice forever disgusted him with politics, with the result that he has since then always absolutely refused to stand for any office whatsoever, even refusing appointive positions, either of a municipal, State or National character.

After a career of more than a half century as a practitioner in St. Louis, Mr. Knox retired, his labors having been remunerated to a degree that left him in comfortable circumstances. He devoted his time in the early years of his profession to making himself thoroughly acquainted with the literature of the law, knowledge that was strengthened in the latter half of his career by the widest and most valuable experience. His high natural business capacity was by him turned to the fullest professional advantage. To this business talent, which is certainly one of the strongest elements of his nature, he largely owes his success professionally, as the strongest inducement a client can have to entrust his business to the hands of a lawyer is evidence that the latter has proved his competence by transacting his own business successfully. Eight or ten years ago Mr. Knox retired, though the volume of his practice then was still maintaining its yearly record of increase. It was only a love for his profession that kept him in its service during the last years of his activity. He had sons to take his place who were an honor to his name, and he accordingly stepped aside.

March 18, 1845, Mr. Knox was married, at St. Louis, to Mary Kerr, daughter of Matthew and Hannah Kerr of St. Louis. Both parents were early pioneers and the father was for many years a leading merchant of that city. Mrs. Knox died August 1, 1863, leaving to her husband's care five children. Of these, three sons and two daughters, all the sons followed the professional footsteps of their father. Samuel, his father's namesake and the eldest, was a member of the St. Louis bar, and demonstrated that he had inherited in full measure the Knox legal genius. He was associated for a long time with Judge Jacob Klein (now one of St. Louis' Circuit Judges), and gave promise of a successful professional career; but he did not pursue the practice after 1889. He died in Blandford, Massachusetts, September 11, 1897, greatly beloved and respected by a large circle of friends and acquaintances. Hannah, the second child, is now the wife of Otis Luscomb of Boston, Massachusetts. Reuben is an attorney-at-law, having practiced at different times in Missouri, New York and Minnesota. About ten years ago he retired from active practice owing to ill health. He lives in Plainfield, New Jersey, is married and has one child, a son named Kerro. Henry is now a rising young lawyer of New York City, while Mary, the youngest child, is an invalid and lives in Springfield, Massachusetts.

It would be a difficult task to enumerate the many important trials in which Mr. Knox participated in his career of over fifty years at the bar. His earliest case in the Supreme Court of the State is Papin vs. Howard, decided at the May term, 1841 (7 Mo., 34); and from that volume down to Pomeroy vs. Benton (1882) 77 Mo., 64, nearly every volume of the Supreme Court Reports contains cases argued by him. Doubtless his arguments helped the development of the law of his adopted State. This is shown by the cases of Potter vs. McDowell (1860) 31 Mo., 62, and (1868) 43 Mo., 93; Potter vs. Stevens, (1867) 40 Mo., 229 and 591; and Pomeroy vs. Benton (1874) 57 Mo., 531, and (1882) 77 Mo., 64. These were important cases, the last case mentioned being now the leading case in this State on the law concerning fraud, misrepresentation and concealment between partners. He was engaged in many other important cases: Garvin vs. Williams (1869) 44 Mo., 465; Union Savings Association vs. Edwards (1871) 47 Mo., 445; Buchanan vs. Sahlein (1881) 9 Mo. Ap., 552; and the great case of *in re* Bowman (1879) 7 Mo. Ap., 569.

In the trial of cases at *nisi prius* he was quick, alert, and forceful, displaying singular tact in the management of a case, and thorough knowledge of the applicatory law, as well as of human nature and human motives. No one excelled him as a cross-examiner, and his arguments in summing up a case to a jury often rose to splendor in eloquence, invective or praise, as the character of the witnesses and their testimony were reviewed. No one was more ready, none better equipped than he for a forensic battle; and his chaste diction, modeled largely on King James' version of the Bible, delighted and instructed alike the courts, the lawyers, the jurors and the other auditors.

In politics he started as an ardent Whig and early espoused the anti-slavery cause, defending in a public speech in St. Louis the celebrated Hartford Convention. At the outbreak of the Rebellion he was an outspoken Union man, and soon became a Radical Republican. During his term in the National Legislature he served on the Committee on the Conduct of the War, and enjoyed the confidence and respect of the Republican leaders of that day, including President Lincoln.

During all his long life Mr. Knox has been a consistent and sincere Christian, having been a constant member of the Congregational Church.

For many years Mr. Knox has passed much of his time in his native State, and may be said to be both a citizen of Missouri and Massachusetts. He has property interests in Missouri, Illinois and elsewhere. He still maintains a lively interest in passing events and travels much, notwithstanding his advanced age. In fact he is old only in years; in body, mind and heart he is still young, and he always surprises his new acquaintances by telling them he is over eighty-two years old. They can scarcely believe it, for he is hale and vigorous physically and shows few signs of age. His mentality is clear, strong and alert, and he appears as a well preserved man of sixty instead of one twenty-two years older. That the years sit so lightly on him is due to the fact that he has known how to live, and has conformed to the laws of his being, a rule of life he still practices, with the result that even though an octogenarian he yet finds more satisfaction and zest in life than many a man who is not yet forty.

HENRY CLAY LACKLAND,

SAINT CHARLES.

NO family has borne a more useful or honorable part in the social, military, political and religious affairs of this country than the Lacklands and the family's various closely related branches. The family has proved exceedingly vital and is therefore very prolific and long-lived, and few of either its sons or daughters have failed to give a good account of themselves. Especially in war and the law have they proved useful and successful, and spreading throughout Maryland, Virginia and Missouri, wherever the family name has been planted, it has produced men and women in the highest degree useful to society, citizens who were an honor to their country. From a little brochure printed by the subject of this sketch in 1894, for the benefit of his grandchildren, it is learned that the first Lacklands known in this country were two brothers, Jerry and John, who some time prior to the Revolution, were planters near Rockville, in that part of Frederick which in 1776 became Montgomery County, Maryland. Jerry moved to Virginia prior to the Revolution and his descendants are both numerous and prominent in that State. John, who was the great-grandfather of H. C. Lackland, of St. Charles, was the ancestor of many Maryland and

Missouri Lacklands and some of the Virginia branches. He married Marjery Edmonstone, whose great-grandfather, Col. Ninian Beale, was one of the most prominent figures in the early history of Maryland. To John Lackland and Marjery Edmonstone, his wife, were born six children. James, the eldest, the grandfather of our subject, was born in 1756. It is said of him that he was "tall, handsome, commanding, of unusually handsome person, of strong will, tenacious upon points of honor, somewhat imperious, generally sedate and dignified, and impressed in later years with a strong sense of his religious responsibility." In 1775, at the age of nineteen, he made a journey on horseback from Maryland through the then wilderness to Kentucky, where he entered a quantity of land. Returning home, he was commissioned by the Council of Safety, May 14, 1776, Second Lieutenant of a company with which he served in the Revolution. He lived on a splendid plantation near Rockville, and was the owner of a mill and numerous slaves. That he saw the evils of slavery is proved by the fact that he became a convert to Jefferson's emancipation theories, and by his will, made in 1812, provided that each of his slaves and their descendants should become free when they reached a certain age. James Lackland married Catherine Lynn, daughter of David Lynn, who came from Dublin, Ireland, about 1717, and afterward was County Judge of Frederick County, Maryland, and under appointment of the Maryland General Assembly was one of the three Commissioners (Archibald Edmonstone and Henry Wright Crabb, both likewise ancestors of this subject, being the other two) who laid out the town of Georgetown, District of Columbia, in 1751. David Lynn sent three sons into the Army of Independence. To the marriage of James Lackland and Catherine Lynn was born four sons and four daughters. James Cooper, the fourth son, father of H. C. Lackland, was born in Montgomery County, Maryland, in 1791, and served in the War of 1812 as Lieutenant and in Montgomery County, 1817, was married to Matilda Crabb, who died at St. Charles in 1862. To this marriage was born eleven children, nine sons and two daughters, of whom Henry Clay was the eighth son.

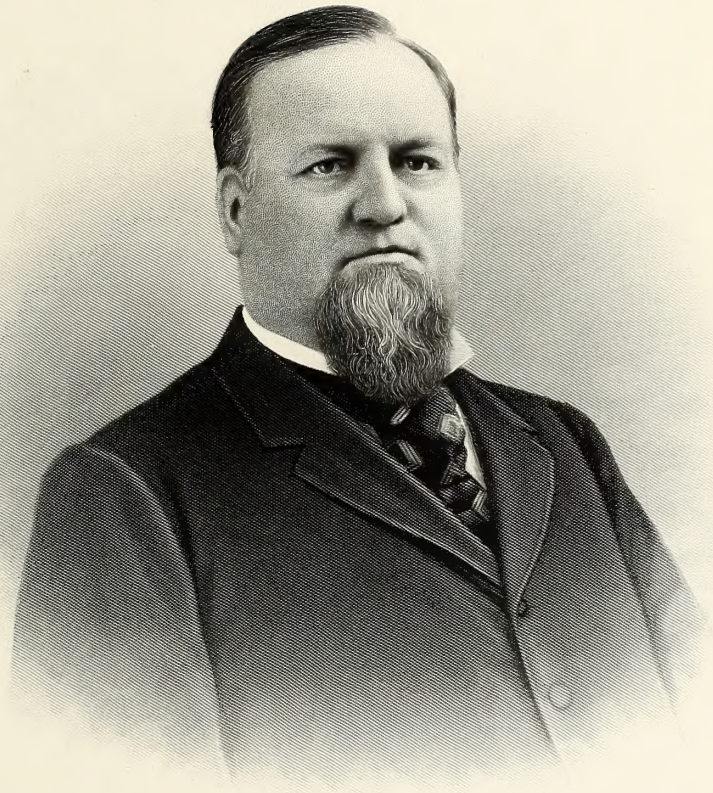
In the fall of 1833 James C. Lackland, with his wife, nine sons, his slaves and part of his household goods, started to move West. The removal, which was more like that of a patriarch of ancient times than aught else, was made in wagons and one carriage (for the mother and younger children), there being no railroads in those days. Thus they crossed the Alleghany Mountains, on the summit of which the celebrated "Shower of Stars," of November, 1833, occurred. At midnight the whole heavens were illuminated with flying, shooting, brilliant meteors, and the negroes were struck with panic, believing the Judgement Day had come. At Wheeling, West Virginia, the cavalcade embarked on the steamer "Dove," and thus made its way to St. Louis. From there they proceeded to Florissant, St. Louis County, where in beautiful Florissant Valley they located on a farm. But while the large family and their servants had made the long journey successfully, they were destined to meet with misfortune in their new home. In the summer of the second year after the settlement, the three eldest sons sickened with diseases incidental to a new country and died within three weeks of each other, and are buried at Fe Fe, St. Louis County, where many Lacklands lie. Two men slaves also died the same summer. The other negroes were freed as they reached the proper age, in accordance with the will of 1812, and one of these yet lives in St. Charles. Prior to the location of James C. Lackland in St. Louis County, his brother George, with his family, settled there and shortly after he came his brother Dennis located there. The descendants of these three brothers have played a conspicuous part in the development and progress of that part of the State.

Rufus J. Lackland, President of the Boatmen's Bank, St. Louis, is a son of Dennis Lackland, and William H. Thompson, Cashier of the same institution, is also closely related to the Lacklands.

In the spring of 1836, James C. Lackland, with his family, moved to St. Charles, where the subject of this sketch and a brother yet live. Of Mr. Lackland's mother it only need be said that she came of a family no less excellent and prominent than the Lacklands. Her father, Gen. Jeremiah Crabb, married a daughter of Col. Charles Greenbury Griffith, a name known and respected in all parts of Maryland and Virginia. Both Colonel Griffith and Gen. Jeremiah Crabb served with distinction in the Revolution. The latter, the maternal grandfather of our subject, was a man of high character and prominence. He volunteered at the age of fifteen as a patriot soldier, and after the Revolutionary War received a commission as General from Washington. He helped put down the "Whiskey Rebellion" and was a member of the Second Congress. Of all Mr. Lackland's ancestors, it may be truthfully said that they were men and women of noble character, of the highest endowment mentally, morally and physically, rigidly honest and upright and deeply sensible always of the obligations they owed themselves, their families, their fellow-men and God.

Henry Clay Lackland was born in Montgomery County, Maryland, August 26, 1830, and was therefore but three years old when the family migrated to Missouri. His first schooling was received at St. Charles, and when sufficiently advanced he entered St. Charles College, which is yet one of the flourishing educational institutions of that city. There he pursued his studies with the intention of subsequently entering the law, and graduated in 1848. Some time later he entered the office of Robert H. Parks, one of the able lawyers of the earlier history of the Missouri bar, and was next admitted to the bar, at St. Charles, by Judge Carty Wells, in 1852. The State was thinly settled and there was comparatively little litigation among the peaceful inhabitants of those times, so the young man did not at once attempt a regular practice. Instead, he secured employment as a surveyor, and during the next two or three years engaged in making locations and running grades for the North Missouri (now the Wabash) and the Missouri Pacific Railways, then building. Next he taught school in the county, and was Professor of Mathematics in St. Charles College from 1856 to 1859. He had begun practice and that practice now has covered a period of almost forty years in St. Charles. From 1872 to 1875 he practiced in partnership with William F. Broadhead, brother of the distinguished James O. Broadhead, of St. Louis, but since then he has practiced alone. His practice is almost entirely civil, although his experience includes a number of criminal cases of importance. One such, remembered by the older inhabitants, was the State vs. Hubbard, an outgrowth of the great civil conflict. Hubbard was charged with murder and arson, in connection with the raid of the noted rebel guerrilla, Bill Anderson, and his destruction of Danville, Missouri. As the defendant's attorney the Court named Mr. Lackland, who succeeded in interesting the learned and able Uriel Wright, and although the case was bitterly contested, Hubbard was cleared.

Mr. Lackland has received numerous honors at the hands of the people among whom he lives. Prior to the war he was School Commissioner of St. Charles County, and in 1875, when the people selected their ablest men to draft a new State Constitution, he was one of the two chosen from his Senatorial district. In 1878 he was elected to represent his county in the State Legislature, serving until 1881. He has also serving as City Attorney and City Councilman of St. Charles. He is a "Sound Money" Democrat.



B. D. Lee

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Mr. Lackland was married to Miss Nannie Harden at Washington, Franklin County, Missouri, in 1856, and who died at St. Charles in March, 1877, in the thirty-ninth year of her age, deeply lamented by all who knew her. Mrs. Lackland bore her husband three sons, namely: James Cooper Lackland, who went to Texas in 1878 at the age of twenty-one and engaged in the banking business, being now Cashier of the State National Bank at El Paso, Texas. He married Septima Price, of Fort Worth, Texas, and has two children. The second son, Joseph Harden, married Theodosia H. Shore, and is now editor of the Cosmos at St. Charles. He has one child. The third son died in St. Charles on September 4, 1888, of malarial fever, in the twenty-first year of his age. He was a youth of noble character and great promise, and was admired and loved by all who knew him.

Mr. Lackland is a gentleman of grave and dignified bearing, although affable and kindly in his intercourse with his fellow-men. His is a patrician face and he impresses the beholder as a man of refinement and scholarly tastes, and such are his characteristics. He stands high in his profession and is a careful and thorough lawyer.

BRADLEY D. LEE,

SAINT LOUIS.

THE late Bradley D. Lee was born in Litchfield County, Connecticut, March 24, 1838, and came of that courageous and freedom-loving Puritan stock which braved death in the Western wilderness rather than submit to English tyranny, and when the tyrant followed and sought to coerce, drove him from American soil. His grandfather, David Lee, was a soldier of the Revolution. His son, Henry B., the father of our subject, was wedded to Mary Austin and to them was born five sons. Three of these they gave to their country in its hour of peril. Only one of them — the one who is the subject of this biography — did they ever see again. Edwin R., who was a Captain of the Eleventh Connecticut Regiment, was killed in the battle of New Berne, North Carolina, in 1862, while Henry B., Jr., who was First Lieutenant of the Seventh Connecticut Infantry, commanded by Colonel (now United States Senator) Hawley, fell before Richmond in one of the last engagements of the war. Bradley D. entered service as First Lieutenant of the Nineteenth Connecticut Infantry. He enlisted September, 1862, and was shortly after reaching the front, assigned by President Lincoln to general staff service with the rank of Captain. He served in the Army of the Potomac until the close of the war, and on being mustered out was brevetted Major for meritorious conduct.

His father was an extensive farmer, was also a builder and was engaged in other business enterprises and gave his son good educational advantages. With a common school training as a basis, he entered Williston Seminary and then the office of Hon. Hiram Goodwin, at Riverton, Litchfield County, to read law, after he had completed the prescribed course at the seminary. He had been with Mr. Goodwin less than two years when he enlisted in the army. On the declaration of peace he returned home, and within a short period, entered the law department of Yale College, whence he graduated in 1866 with the degree of Bachelor of Laws.

With his diploma, and actuated by a lofty ambition to succeed, he joined the tide that was just then setting so strongly westward and landed in St. Louis. A partnership was formed with Daniel T. Potter and he began the practice which was destined to be

crowned with such marked success. The firm of Potter & Lee existed about a year, to be followed by a partnership with B. F. Webster (Lee & Webster). On the dissolution of this association at the end of three years, Mr. Lee for two years practiced alone. From 1872 to 1878 he was associated with Elmer B. Adams, and this partnership arrangement was finally ended by the election of Mr. Adams as Judge of the Circuit Court. Hon. Jefferson Chandler succeeded Mr. Adams, and the firm of Lee & Chandler continued up to the removal of the latter to Washington in 1881, when Mr. Lee, Col. D. P. Dyer and John P. Ellis formed a co-partnership under the style of Dyer, Lee & Ellis. In 1889 Colonel Dyer withdrew and the firm continued as Lee & Ellis up to January 1, 1892, when the strong legal combination of Lee, McKeighan, Ellis & Priest was organized.

The more than a quarter of a century that Mr. Lee practiced in St. Louis was crowned with a success that any lawyer might well have envied. His beginning was modest and he attained his position as a lawyer solely by merit, industry, learning and ability. Many of those who had business in the courts believed him to be without a peer as a general practitioner. They knew he was absolutely honest and wholly sincere, and therefore they were ready to follow his advice and to act on his opinion. He learned his profession in the only school that makes thorough—the school of actual experience and practice, and it is not surprising therefore that he was considered a master.

While his oratory may have lacked extreme polish or flowery figures of speech, it from such lack gained in strength, conciseness and power. He was an excellent trial lawyer, as well as industrious and painstaking in the preparation of his client's side of the case and at the same time closely studied the salient points of the opposing side. In that great department of legal work, the cases which never reach a court, he was pre-eminently successful. He had the honesty and courage to reveal to his client the exact status of his case and if wrong to tell him so. Thus it was that he amicably adjusted many cases that would have otherwise proved disastrous to those who sought his counsel. His sincerity was no less apparent than his good judgment was certain and it was seldom that his legal advice was not followed. But once convinced that a client was right, that his cause was just, his whole soul and sympathy were enlisted and he brought to bear his deep knowledge of the law, his long legal experience and all the powers of his eloquence and ability to win the cause. With the greatest activity, perseverance and even enthusiasm he pursued the case to a conclusion, fortified by a sincere belief in the justice of the fight and a courage that never faltered or flinched. He was noted for his legal versatility and was what is known as an "all around lawyer." His knowledge of the science of his profession was deep, and he was well versed in the law's technicalities, in rules of procedure and practice of the various courts. As an advocate and speaker he was earnest but pleasing, forceful but courteous. In manner he was genial, of attractive personality, and was therefore popular in a wide circle of acquaintances.

November 23, 1870, Mr. Lee was united in marriage to Miss Belle F. Waterman, daughter of Hon. A. P. Waterman, of Beloit, Wisconsin. They had two children—Edwin W., born July 1, 1875, and Wayne, born October 14, 1880. The widow survives her husband.

Major Lee died on the 10th day of May, 1897. He had been in poor health for a year or two. On January 20 he went with his wife out of the city for the purpose of rest and with the belief that his health might be restored. He returned the latter part of March to the city, but was never able to return to his office after leaving it January 20. His death



F. W. Lehmann

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was universally regretted by all classes of people. Even those who did not know him joined in the general mourning. The meeting of the bar of St. Louis to consider and pass resolutions upon his life and death was one of the largest that has assembled upon any similar occasion for many years, if not at all. The feeling of loss and regret was deep and sincere at the meeting, and the remarks made evidenced more than usual feeling and attachment to the deceased. The address of Clinton Rowell on that occasion was particularly noticed as being impressive, touching and affecting, and his tribute to the memory of Major Lee was of the highest order.

FREDERICK WILLIAM LEHMANN,

SAINT LOUIS.

UNDOUBTEDLY one of the most brilliant and accomplished lawyers at the St. Louis bar is Frederick William Lehmann, whose splendid attainments have elevated him in less than eight years to a most enviable position among the lawyers of this State.

Mr. Lehmann was born February 28, 1853, in Prussia, and was brought to America when a child of three or four years, by his parents. This was about 1856 or 1857. The family lived in various places, and Mr. Lehmann, as a boy, attended the public school in Cincinnati, and country schools in Ohio and Indiana. Afterward he studied at the college at Tabor, Iowa, and graduated there in June, 1873. He was still a student when he made up his mind to adopt the legal profession, and as celerity of action has always been a marked trait of his character, he secured several books and began to study while yet keeping abreast of his class at college. It was by such means that he qualified in the law, and therefore a few months before he graduated at Tabor College, he was admitted to the bar in Toemah County, March, 1873.

Being thus versed in the law's literature and theory, with a solid general education as a basis, he crossed into the neighboring State of Nebraska, locating at Nebraska City. There he remained until February, 1876, when he removed to Des Moines, Iowa. His progress in his profession at Des Moines was rapid. His talent attracted the attention of several large corporations, and he was soon doing a splendid practice. It was in December, 1890, that he came to St. Louis as the General Attorney of the Wabash Railway, holding this responsible position up to June 1, 1895. On that date he became a member of the firm of Boyle, Priest & Lehmann, that association still being maintained.

Since he came to St. Louis his rise has been rapid and his success conspicuous. He has been connected with several of the greatest legal battles fought in the courts of St. Louis in recent years, and while his professional career deserves a more detailed record than is given here, modesty is one of his most notable characteristics, and on that account only a brief sketch is possible. But he is a lawyer in the highest degree, able, broad, resourceful and of splendid intellect, and is one who is destined to leave an admirable record of his genius on the pages of the history of the Missouri judiciary.

Mr. Lehmann had always been, up to the campagin of 1896, an active Democrat. In that year he dissented from the financial views of his party platform, and by virtue of his natural ability as an organizer rose to a first position among the "Gold Standard" dissenters of the Democracy. He showed remarkable resources in that field, and his eloquence on the stump was recognized as a most hurtful factor by the opposition.

Mr. Lehmann was married December 23, 1879, at Des Moines, Iowa, to Miss Nora Stark. They have three children, named respectively, Sears, Frederick W., Jr., and Jack.

JAMES M. LEWIS,

SAINT LOUIS.

JAMES M. LEWIS was born in Polk County, East Tennessee, in 1858, and was reared and educated in the mountainous section of the State, widely celebrated for grandeur and beauty of scenery, and among a class of people noted for industry, intelligence and integrity. He is of Scotch-Irish ancestry and was named after his maternal grandfather. His early years were passed on his father's farm and in attending the common school of the district. Later on he was a student at the University of Tennessee, where he received a classical education. At the age of nineteen he left his native State and came to St. Louis, and entered himself as a student in the law office of his relative, ex-Senator John B. Henderson. He was admitted to practice as attorney and counsellor at law in 1879 in the City of St. Louis. Soon after his admission to the bar he removed to Louisiana, Pike County, Missouri, and began the practice.

In the spring of 1882 Mr. Lewis returned to St. Louis and became associated in the practice with his preceptor, ex-Senator John B. Henderson, then the most extensive practitioner at the St. Louis bar. His ability, as the result of superior intellectual qualifications, aided by a close application to his profession, won for him favorable notice from older members of the profession. Thus it was that from the start Mr. Lewis had an excellent field for the cultivation of his talent, by an intimate connection with some of the most important cases then in litigation in the State, United States Circuit Court and in the Supreme Court of the United States. His connection with the jurisprudence in Missouri is marked, and in some of the most prominent and intricate litigations his services have been retained.

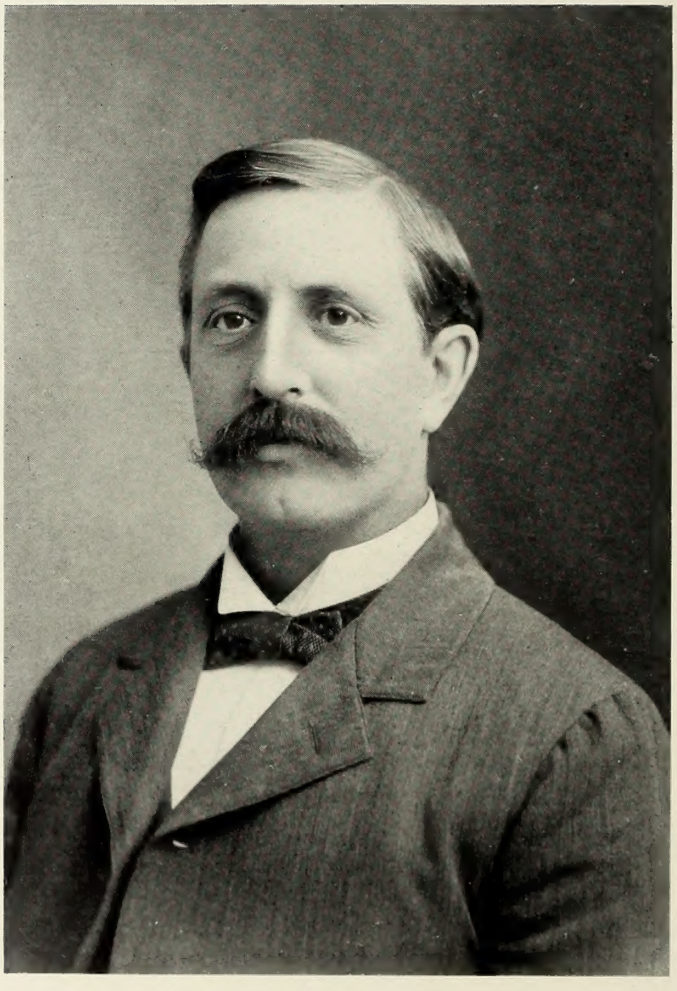
Perhaps one of the most responsible and weighty pieces of professional work that Mr. Lewis was called to perform was in connection with the famous case of Charles H. Jones vs. Joseph Pulitzer and others. The plaintiff sought an injunction to prevent the defendants from interfering with plaintiff's control and management of the Post-Dispatch, or with the control over the columns or policy of the paper during the term of his contract. It was hotly contested, and the propositions of law advanced by the plaintiff were sustained by the Supreme Court of Missouri.

Mr. Lewis is not a politician, but he is an ardent believer in the principles of the Democratic party. In 1885 he was enrolled, upon motion of Senator Vest, in the Supreme Court of the United States. In 1889 Governor Francis commissioned Mr. Lewis Judge Advocate General with the rank of Brigadier General, National Guard of Missouri. He was elected Vice-President of the American Bar Association at Saratoga, New York, in 1890, and at Milwaukee, Wisconsin, in 1893.

In February, 1897, Governor Lon V. Stephens appointed Mr. Lewis Police Commissioner for and within the City of St. Louis, and he is now acting President and also



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James A. Lloyd

Vice-President of the Board of Police Commissioners of St. Louis. In social circles he is a prominent figure, being a member of St. Louis, University, Noonday and Jockey Clubs.

JAMES TIGHLMAN LLOYD,

SHELBYVILLE.

HONORABLE JAMES TIGHLMAN LLOYD, Member of Congress, has, as a lawyer, reached that period in his career which is the most interesting, because it is a time when a lawyer's best work must be expected. That is to say, he is forty years of age and a little over, having been born August 27, 1857, in Canton, Missouri. The original Lloyds who settled in this country were of Welsh and English lineage. The father of the present Mr. Lloyd, who was Jere Lloyd, was the son of Zachariah Lloyd, a native Delawarean, he himself having been born in Delaware. Emigrating from the Diamond State in the year 1838, the father of James T. Lloyd came to Missouri, where he settled in Lewis County, pursuing the avocation of a farmer. He married Frances Jones, the daughter of William Jones, a native Kentuckian, of Irish descent. She was born in Kentucky, and with her parents came to Marion County, Missouri, in 1829, they engaging, like the father of the subject of this sketch, in farming for a livelihood. The marriage occurred January 31, 1856, at Canton, Missouri.

After a rudimentary course in the common schools of Lewis County, Mr. Lloyd entered Christian University, at Canton, Missouri, from which institution he graduated in the class of 1878. Then, removing to Monticello, he studied law in the office of O. C. Clay, being admitted to the bar on June 17, 1882, at Edina, Missouri, by Judge Benjamin E. Turner. He then returned to Monticello, where, in partnership with his former preceptor, O. C. Clay, he practiced until March, 1885, locating then in Shelbyville, where he has since remained and practiced.

Twice elected Prosecuting Attorney of Shelby County (once in 1888 and again in 1890), without opposition in his own party at either election, he was given a testimonial of the high regard in which he was held by his fellow-citizens, of which he might well feel proud were that the only evidence of their esteem. But they conferred on him a higher honor still when, on the death of Congressman R. P. Giles, of the First Missouri District, they chose Mr. Lloyd to fill his place in the Fifty-fifth Congress. This was on June 1, 1897, Mr. Giles having been elected in the preceding November, but dying before Congress met. The conspicuous feature of the election of Mr. Lloyd was the magnitude of the majority given to him, he carrying the district by a surplus of 5,651 votes, the greatest victory a Democrat was ever known to win in that district.

Mr. Lloyd has never laid as much claim to being a politician as to being a lawyer, still it would be well to repeat here a remark he made on entering upon his Congressional duties, which thoroughly illustrates his conscientiousness: "The people," he said, "have a right to my service while they pay me to represent them in Congress, and I am going to give it to them." This means that he has virtually given up his valuable law practice while serving his constituents at Washington, which can justly be termed a noble act of self-denial. Yet he will not be the loser by it eventually, as when he returns to his legal practice his devotion will not be forgotten, but rewarded by a double increase in business tendered him

by his grateful and admiring neighbors. Meanwhile his training as a lawyer stands him in good stead in legislating for the nation's welfare, and his natural decisiveness of thought and action, and his evident ability, gave him a standing with his colleagues such as few new members of the House attain. His friends believe that his election to the high office he at present occupies is but the beginning of a briliant and successful public career.

No enterprise projected in his section is considered liable to be successfully prosecuted unless he lends it his helping hand. He is public spirited to the furthest extent that could be expected of a citizen, and has done as much as any man in Shelby County to further the interests of Shelbyville and the surrounding region. Financially he is highly endowed with talent, as is evidenced by the flourishing condition of the two banks in which he is a stockholder. As a member of the Independent Order of Odd Fellows his brethren did him honor by bestowing on him the District Deputyship for a number of years and sending him as representative to the Grand Lodge of the Order, both of which positions he filled most acceptably.

Mr. Lloyd was married in Lewis County, Missouri, to Miss Mary B. Graves on March 1, 1881, his wife being the daughter of Thomas A. Graves, a leading citizen of the same county. They have four children, Oliver J., aged fifteen; Thomas L., aged eight; Ethel Lee, aged five, and Willard P., aged one. They are bright and promising children.

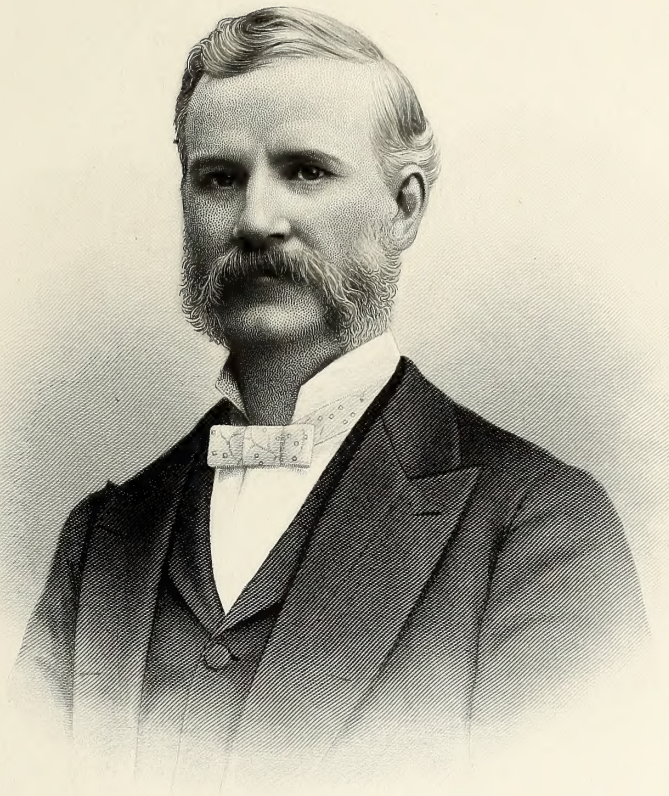
GEORGE W. LUBKE,

SAINT LOUIS.

ONE of the veterans of the St. Louis bar, and a leading lawyer of the metropolis is Judge George W. Lubke, who was born in St. Louis, February 22, 1845. Both his parents came from Hanover, Germany, and met and were married at Louisville, Kentucky. His mother's maiden name was Catherine Penningroth. His father, William Lubke, fell a victim to the gold fever in 1849 and crossed the Great Plains, being given command of the wagon train, a position in that day which carried with it almost the same power wielded by the Captain of a ship at sea. Shortly after the departure of the husband and father, the family was stricken with that terrible scourge, cholera. It decimated the family almost in a day, leaving only the subject of this sketch and one sister. The former, too young to appreciate the greatness of the calamity that had befallen the family, was taken by an uncle and aunt to their farm near Venedy, in Washington County, Illinois. He was four years old when taken to the country, and remained there until he was nine, and with the exception of this period he has spent the balance of his life in St. Louis.

At the Washington County farm he received his first schooling, the minister of the German Lutheran Church at Venedy acting as his instructor, and on his return to St. Louis he prosecuted to completion his studies in the public and private schools of the city. He had, prior to the time he left school, settled on the law as his calling, and, therefore, at the earliest opportunity entered the office of Hon. Henry Hitchcock, and began the work of mastering the contents of the books in sheep-skin cover. September 13, 1864, he was admitted to the bar and has been in constant practice, either at the bar or on the bench, in St. Louis ever since.

During the fall of 1864, just after he had become a full-fledged lawyer, he saw some active military service as a member of the Eleventh Enrolled Militia. It was during the last raid of



Geo. W. Lubke

Legal Publishing Co. St Louis.

Price, and Judge Lubke was one of those who marched with General Smith's Army Corps through Franklin County in the maneuvers to keep the Confederate raider out of St. Louis.

In 1883 Judge Lubke was raised to the bench, being elected Judge of the St. Louis Circuit Court. This responsible office he filled with honor and ability until 1889, when, on the expiration of his term, he returned to the ranks of the people. His popularity is undoubted and his personal acquaintance far extending, and he could have had in the past, and yet could have, almost any political office to which he chose to aspire, but success as a lawyer was of higher importance to him than uncertain honors of political life and he has accordingly devoted himself to his profession with results satisfactory in the highest. He is noted among his brethren as a lawyer of deep learning and with an experience that is worth volumes of theory. As a citizen he has always been ready to manifest his public-spiritedness or lend enthusiastic aid to any enterprise to the public good. He is a man of much force of character and is honored and respected by all who know him. He has seen St. Louis grow from a goodly sized town into a metropolis, and as he has been an intelligent observer always, he is a mine of historical knowledge and reminiscence. There are few members of the bar that enjoy the public confidence to the extent it has been given him, and his name is a synonym of probity and honor. He is connected with a number of local societies and organizations, among others, the American Legion of Honor and the St. Louis Legion of Honor.

Judge Lubke was married at St. Louis, Missouri, September 10, 1868, to Miss Henrietta Luttercord. Her father was a prominent St. Louis merchant. They had six children, five of whom survive. The oldest, a son, now twenty-eight years old, has followed in the footsteps of his father and is a rising member of the St. Louis bar. The two oldest of the four remaining children are daughters; the two youngest sons, one being but five years of age.

GEORGE BENNETT MACFARLANE,

MEXICO.

THE Hon. George Bennett Macfarlane, Judge of the Supreme Court of the State of Missouri, is a native of this State and was born in Callaway County, January 21, 1837. A student of nomenclature would at once conclude that the name came from Scotland, and such an assumption is correct, for his father, George Macfarlane, was born in Ayrshire, Scotland, in 1796. He emigrated to America when still a young man and in this country married Catherine Bennett, a native of Kentucky, and the mother of the subject of this biography. The elder Macfarlane followed farming after he came to America, but being a man of good education, taught school during the early period of his life. He died in 1866, just as his son was fairly launched on his legal career. From him the son inherits his high principles of truth and honesty with that inflexible strength of character which is a distinctive trait of the Scotch, modified and softened by the graceful generosity and chivalry given him by his Kentuckian mother.

Judge Macfarlane passed his boyhood as did most farmers' boys of that day. Honesty, a love of truth and justice, strict habits of industry, absolute independence and the neces-

sity of self-reliance were inculcated by precept and practice. He was impressed with the fact that whatever he desired must be attained by his own efforts; that Heaven helps him who helps himself, and as he earnestly desired an education, he set about the work of securing it. He obtained a good common school training by attending the district school in winter, and by hard work and economy was enabled to take the courses at Westminster College, Fulton. Then he secured a position as school teacher, and of nights and between times he read law at home, and then finished his studies in the office of Henry C. Hayden at Fulton. At the county seat of his native county he was also admitted to the bar. This was in 1861, a year memorable in history as the beginning of the greatest war of modern times. The war changed his plans, and instead of beginning practice, he returned to his father's farm, resuming the vocation of school teaching in winter and working on the farm in summer. In the fall of 1865 he settled at Mexico, the county seat of Audrain County, and opened an office for practice. Several years after he located there, a young man entered the office to read law. He was J. McD. Trimble, now of Kansas City, and as soon as he was admitted to the bar, a partnership was formed between him and Judge Macfarlane, and this arrangement continued through a term of twelve years.

The first office conferred on Judge Macfarlane was not of the highest judicial responsibility, but considering his age (twenty-nine years), it showed the confidence of the people in his honesty, conservatism and good judgment. This was the office of Justice of the Peace, to which he was elected in 1866 and which he held two years. Afterward he was elected City Recorder (Police Judge), and also held this office two years. During the first term of Gov. B. Gratz Brown, a vacancy having occurred in the Probate Judgeship of Audrain County, he was appointed to the post by the Governor, and in 1874, on the expiration of his term, was elected to the same office. In 1875 he resigned his place on the bench to again enter the practice of law, and continued in that line very successfully up to 1890, when he was again called upon to enter public service. A vacancy occurred on the Supreme Bench, and Gov. D. R. Francis did a wise act when he called Judge Macfarlane to fill the place. Under this appointment he held the office two years, or until the general election of 1892, when he was returned to the office by the suffrages of the people, and he still occupies that position.

In 1868 Judge Macfarlane was married to Miss Alice F. Orear, a member of the noted family of that name of Boone County. Six children have blessed their union, three of whom they have lost. Of these two died in infancy, and one, William Lawrence, died in 1895. He had reached his sixteenth year, was a most promising youth, and his death deeply affected his father. Of the three living children, Charles R., a young lawyer of twenty-three, is just entering practice at Mexico; George Locke, twenty-one, is in the newspaper business and bids fair to developing into a successful career; Guy Orear, thirteen, is at school.

The mind of Judge Macfarlane is essentially judicial. It is a recognized fact among attorneys that some lawyers are especially gifted as judges, while others who are splendid advocates, are not endowed with qualifications to fit them for the bench. While the Judge has proved his fitness in both fields and has been very successful as a practitioner, it is on the bench that he has demonstrated his highest capacity. He is cool and patient, sincere and impartial. His reasoning is sound and practical and the opinions delivered logical and



Geo A. Madden

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convincing. He is learned in the law and gifted as well with rare common sense, if such a Hibernianism may be permitted. Politically, he is a Democrat. He stands high also in Masonic circles.

GEORGE A. MAHAN,

HANNIBAL.

GEORGE A. MAHAN was born on a farm near Palmyra, judicial seat of the county which has been the scene of his life labor. He first saw the daylight August 6, 1851. His father, George A. B. Mahan, was a native of Bourbon County, Kentucky, and came to Missouri in 1833, settling at Palmyra, in Marion County. He was of Irish descent and through him his son inherits the sanguine temperament — that optimistic view of life which no adversity can extinguish and which is a chief prerequisite to success. Before the location of the elder Mahan at Palmyra, or about 1830, an estimable Kentuckian family named Griffith had made settlement on a farm near that town. George A. B. Mahan there for the first time met Jennie, the handsome daugher of the Griffith household, and later wooed and won her. Their marriage took place at the farm residence of Samuel Griffith, the bride's father, near Palmyra, in 1849. The subject of this sketch was the first child born of this union. The father died in September, 1872; the mother survives, and is still living on the old homestead near Palmyra, the object of her son's tender love and devotion. She is a woman of the noblest virtues, and her potent influence for good in moulding character aright, is exemplified in the manliness, integrity and ability of this son.

The foundation of Mr. Mahan's education was laid in the district schools of Marion County. He took the academic courses at Bethel College, Palmyra, and then went East, where he entered famed Washington and Lee University at Lexington, Virginia. At this institution he took the courses in English literature, history, Latin, philosophy and chemistry, graduating finally in the class of 1870. It was perhaps during his days as a student in Washington and Lee that the tentatively held determination to adopt the law as a profession crystallized into a well defined and settled ambition. His general education being completed, he at once returned to his home and took up the study of law in the office of Redd & McCabe, two of the most reputable lawyer of Marion County at that time. After a short period spent as a student "in chambers," he became convinced that he could pursue his studies more advantageously in a regular law school, and thus it transpired that in 1871 he went to Indiana, where in the law department of the State University at Bloomington, he completed the course, receiving his degree of Bachelor of Law, as a member of the class of 1872. In the winter of the same year he was admitted to the bar by Judge William P. Harrison, at Hannibal, and immediately opened an office in that city. This was in January, 1873, and he has continued to reside in Hannibal ever since, adding to his reputation as a lawyer at a constantly appreciating ratio. In 1885 Mr. Mahan formed a partnership with Judge William P. Harrison, some years after that splendid lawyer and well-loved man retired from the bench. This association in itself gives a hint of the reputation and standing as a skillful and able lawyer the younger practitioner had then achieved. The partnership was maintained to the satisfaction and profit of both principals up to 1892, when the increasing years of Judge Harrison made his complete retirement desirable. Mr. Mahan succeeded to the practice of the firm and since then has continued alone.

Mr. Mahan's standing in Northeast Missouri has for many years been such as to entitle him, in the estimation of the people, to official honors. He was first elected City Counselor of Hannibal. This was in 1875, and on the expiration of his term, he was in 1878 elected Prosecuting Attorney of Marion County, an office he held three consecutive terms. So well did he perform his duty that his prestige was greatly increased, and he obtained a secure place in the hearts of the people who were his constituents. In 1887 he was elected to represent Marion County in the Thirty-fourth General Assembly, and served his constituents with fidelity and ability during his incumbency. That he was rated by the House as one of its most valuable and able members is illustrated by the fact that he was placed on the Judiciary Committee.

Mr. Mahan is now, and has been for many years, special solicitor of the City of Hannibal. He is also a director in the Hannibal Mercantile Free Public Library Association; is director and attorney of the Bank of Hannibal, and holds the same relations to the Hannibal Mutual Loan and Building Association. He is a Royal Arch Mason and a member of the Knights of Pythias. He is a Democrat in politics and is one of the influential members of this the dominant party of his section.

On May 24, 1883, he was married to Miss Ida Dulany, daughter of the late Col. Daniel Dulany, the wholesale lumber dealer and banker of Hannibal, who was President of the Bank of Hannibal at the time of his death in 1897. Mr. and Mrs. Mahan have one child, a son named Dulany Mahan, born May 25, 1884.

In estimating the character of Mr. Mahan, it may be claimed with justice that his distinguishing trait is his finesse, his diplomacy in the affairs of his profession and the various relations of life. He is easy, graceful, smooth and polished in manner—traits that have won the confidence of many a witness to his final undoing. He is a fluent conversationalist and an interesting one as well. As a public speaker he is forcible, yet smooth and convincing. He is both popular and influential in the State, and his professional brethren hold him in the highest esteem.

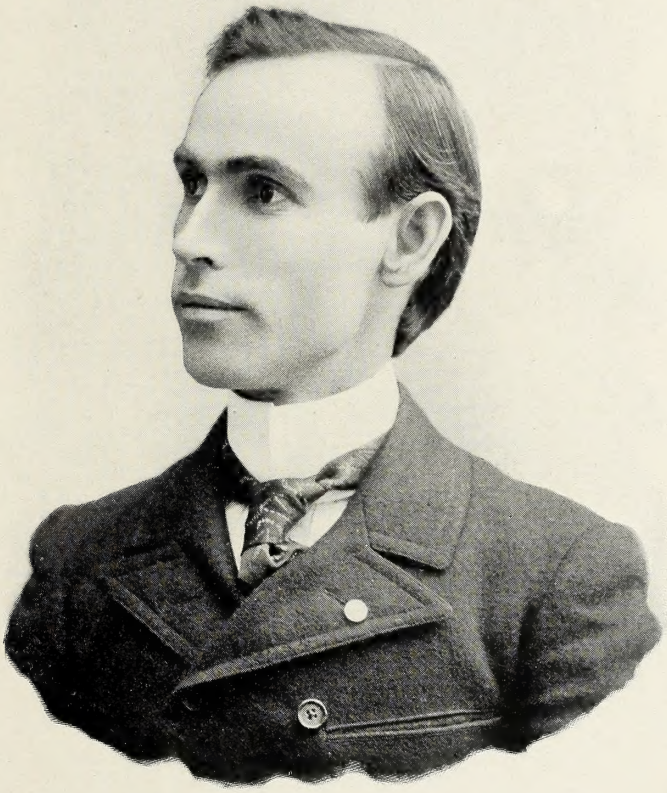
A member of the bar who has, perhaps, engaged in the trial of a larger number of cases than any other with or against him, and who has also been most frequently concerned in other of his important professional engagements, says of him:

"Mr. Mahan is an accomplished lawyer. The diversity of his talents is such as to fit him almost equally for the varied duties of the attorney and those of the barrister. But perhaps his greatest strength lies in the trial of law cases at the bar. Here he is always a proved foeman worthy of the best tempered blade. Resolute, watchful and resourceful, he presses the fight with gallantry and fervor, and with a confidence born of conscious strength. And possessing forensic powers of a high order, and with an intuitive perception of the strong and salient points of his case and the vulnerable ones in that of his adversary, the presentation of his cause to court or jury is always forceful, eloquent and convincing. He is an eminent type of the all round lawyer."

ELLIOTT WOOLFOLK MAJOR,

BOWLING GREEN.

A LAWYER who is notable because of his legal accomplishments, who is also known for his statesman-like qualities, and is appreciated for his splendid service in behalf of the people, is Elliott Woolfolk Major, of Bowling Green, State Senator from the



Elliott W Mayo

Eleventh District. He is one of the rising young men of his part of the State, and is one of the interesting and talented lawyers of the Missouri bar.

Senator Major is a native of Lincoln County, Missouri, and was born October 20, 1864. It should here be noted, that he is a remarkably young man to have attained the Senatorial toga. He is of that virile, highly-developed stock which settled the counties of Audrain, Lincoln, Pike and Marion early in the century, and whose vitality persists and expands to the present day. Mr. Major's father, James R. Major, came from Virginia and settled in Lincoln County. His mother was Sarah T. Woolfolk, a native of Kentucky, who bore the name of a family no less well known in her native State than in Missouri. Both parents are yet living.

Eighteen years ago the subject of this sketch moved to Pike County, his life prior to that time having been spent in Lincoln and St. Charles Counties. At Watson's Seminary, at Ashley, in the county first named, he was principally educated, and later studied law with Champ Clark, the distinguished Congressman, at this time, from the Ninth Missouri District. Mr. Clark is able, no less as lawyer than as statesman, and thus the young man had the best of preceptors. He was admitted to the bar at Bowling Green, in 1885, and at once settled down to practice at that place.

He had not occupied an office long ere his ability began to impress the people among whom his lot was cast, and though in competition with experienced and accomplished lawyers, of whom Pike County is so prolific, he has in little more than a decade built up a splendid practice. The practice of the profession is of course not specialized in the country as in the large cities, and to such a field the young lawyer is well adapted, as he is richly endowed with versatility. He has appeared in many of the important cases that have recently come before the court on that circuit, and was one of the lawyers in the noted trial of Dr. Hearne for the murder of Amos Stilwell, the wealthy pork packer, of Hannibal. In fraternal circles he is influential, being a member of the Masons, the Knights of Pythias, the Modern Woodmen and the Odd Fellows.

The Democrats of the Eleventh Senatorial District, composed of the counties of Lincoln, Pike and Audrain, did a wise thing, when, in their convention of 1896, they nominated Mr. Major to represent the district in the State Senate. In less than three months after the election he was conspicuous as one of the able men of the Upper House. He stood in the front rank of those opposed to the lobby and corruption, and made a fight that earned him the gratitude of the people of the whole State. In that session, when rumors of corruption and treason to the people were rife, Senator Major stood unsullied as one to whom no taint of suspicion could attach. An intense sympathizer with the people always, and with high ideals of the purposes of government, he brought an ability and talent to bear in behalf of his principles that were no less a suprise to the dishonest lobby than a source of gratification to his constituents. That session, short though it was, enabled Mr. Major to win the admiration and confidence of the people of the entire State, and, when the term adjourned, he wore the laurels as champion of the people's cause. He was their consistent friend throughout, and as bitterly fought every measure intended to benefit private parties at their expense, as he ably espoused every cause in their interest. Men of experience in public affairs believed his first public position was a most auspicious opening of a political career which would finally carry him to an exalted place, and men of discrimination who know him personally feel satisfied that he is endowed with those attributes and characteristics which will compel success in any field. He is popular and he is able, few

men have made the reputation he did during their first term as Legislators, and he may be justly considered one of the coming men of the State.

Mr. Major is married and has one child, Miccah Florine, aged eight years. The lady who became Mr. Major's helpmeet was Miss Elizabeth Myers, an accomplished young lady of Bowling Green. They were married in 1887.

WILLIAM CHAMP MARSHALL,

SAINT LOUIS.

WILLIAM CHAMP MARSHALL, City Counselor of St. Louis, and one of the well-known contemporary authorities on municipal law, comes of a race of lawyers and bears a name illustrious in the judicial history of the Republic, because of John Marshall, Chief Justice of the United States, who was a second cousin of his father. Mr. Marshall is the son of Thomas Alexander Marshall and Letitia Miller, his wife, both of whom are dead. The Marshalls were of Virginian origin, and our subject's great grandfather, Rev. William Marshall, was a Baptist minister, a powerful pulpit orator and one of the noted men of his day. His father, Thomas Alexander Marshall, was a lawyer, and was one of the publishers of "Swedes and Marshall's Mississippi Reports." The maternal branch of Mr. Marshall's family is of Irish origin, but his mother, Letitia Marshall, nee Miller, was a native of Louisville, Kentucky, and a daughter of one of the first United States Marshals of Mississippi. Our subject was born at Vicksburg, Mississippi, November 13, 1848.

The latter received his higher education at the University of Mississippi, and from there passed, in 1867, to the University of Virginia. His career as a student was notable. He was elected President of one of the literary societies of the University, defeating for the place the afterward celebrated Henry W. Grady. He left the University with a finished legal education, and returned to his home in Vicksburg, but was not admitted to the bar until January 1, 1870, on account of not having attained his majority. It was his intention to locate in New York City, but after looking over the field, he decided that it was no place for a young man, and accordingly in January, 1870, just after receiving his license as a lawyer, he came to St. Louis. But misfortune awaited him in his new field, as two weeks after reaching that city he was stricken with typhoid fever and was under the care of the doctor for more than six months. When sufficiently recovered, he began practice, practicing alone until November, 1873, when he formed a partnership with Judge Shephard Barclay. This association lasted until Judge Barclay was elected to the Circuit Bench in 1882, after which he practiced alone until April, 1891, when Mayor Edward A. Noonan appointed him City Counselor to serve four years. Although a Democrat, with such ability, dignity and impartiality did he administer his office, that on the institution of a Republican regime under Mayor Walbridge, the latter, in April, 1895, reappointed him, and he still continues as City Counselor under Mayor Ziegenhein.

Mr. Marshall is a member of the Masonic fraternity and the Legion of Honor, and is a Knight of Pythias. He has been a very active Democrat and has rendered his party valuable service. It was he who organized the Young Men's Democratic Association in 1874, of which body he acted as President until 1876. He was likewise one of the organizers of the Missouri Democratic Association, of which he also acted as President. Both organizations were political forces in their day. He has acted as Chairman of various

city conventions, was Temporary Chairman of the Court of Appeals Convention in 1896. For fifteen consecutive years he was Treasurer of the Missouri Bar Association, and is now President of that body, having been elected in 1895.

Mr. Marshall married Katherine Mortimer Reading, of Vicksburg, Mississippi, December, 1876, and two children, both daughters, have blessed the union. Mrs. Marshall is the daughter of Abram Beach Reading, of Vicksburg, who, at the opening of the late war was one of the largest iron founders in the South and cast the most effective guns used by the Confederacy in the defense of Vicksburg. After the war he engaged largely in the cotton compress business at New Orleans and Mobile, and was one of the best known men in the South in his day.

Since he has been City Counselor, Mr. Marshall has earned a most enviable reputation because of his knowledge of municipal law. He is a student, and for years he has bent his energies to the mastery of that intricate subject. His thorough understanding of the subject may be seen by a reference to his article on "Municipal Law" in this work.

BENJAMIN ULPIAN MASSEY,

SPRINGFIELD.

ONE of the lawyers of Southern Missouri who has long been identified with the history and development of that part of the State is the gentleman whose name heads this sketch. He is thoroughly a lawyer and also a thorough lawyer, and within the law's limits his reputation has been builded. The distractions of politics have never been allowed to interfere with a conscientious professional devotion, but of all measures of a public or quasi-public character of benefit to his town, county or State, he has been a genuine supporter and has found time to contribute generously to every movement of advancement and progress. His consecration to the law, through many years has been abundantly rewarded, and he enjoys the reputation to-day of being one of the most able and successful practitioners of Southern Missouri.

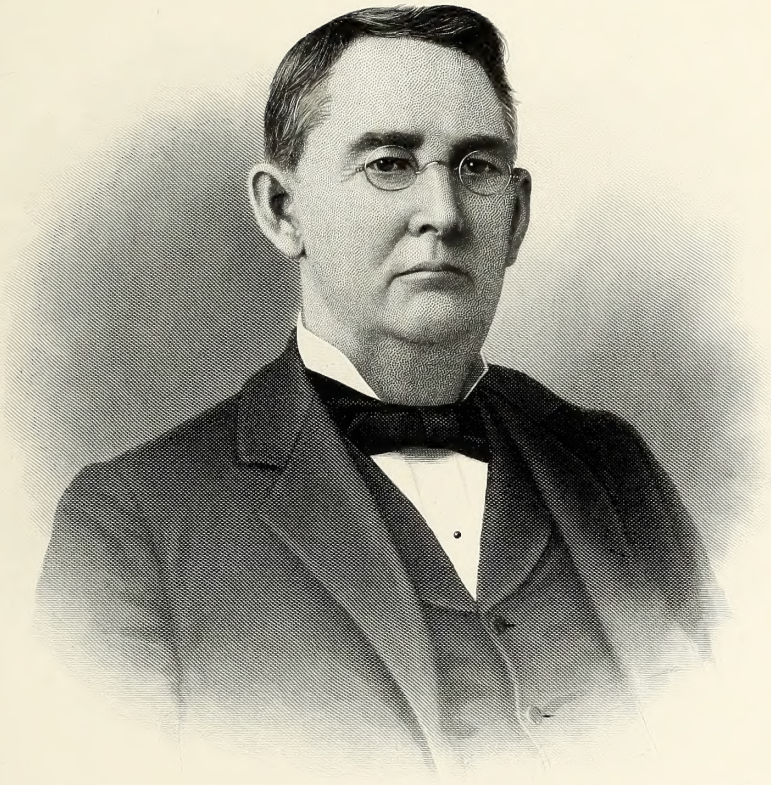
Mr. Massey is a native of that part of the State where he has made his reputation, having been born at Sarcoxie, Jasper County, February 28, 1842. On the paternal side he is of English ancestry, the Masseys having settled in Maryland in Colonial times. Benjamin F. Massey, our subject's father, was a man of strong and virile character and in his time an influential factor in the affairs of Missouri, having been Secretary of State during the stormy days of 1861 and those following. He was born in Kent County, Maryland, in 1811 and came to Missouri some time in the 'thirties. Our subject's mother was Maria Hawkins Withers, daughter of an old family of Virginia, having been born in Fauquier County, in 1822. She came to Missouri with her parents about 1832 and was married to Benjamin F. Massey at Boonville, Missouri, in 1839. The young couple established themselves at Sarcoxie, Missouri, where the country for hundreds of miles in all directions was little more than unbroken prairie and forest, where deer, bear and other game roamed at will. There their son was born in 1842.

The latter was educated in such private country schools as existed at Sarcoxie in the primitive days of the 'fifties and in such private schools as Jefferson City afforded between 1856 and 1860. This schooling was afterward supplemented with much self instruction and an exhaustive and general course of reading. It was during the early period while his

father was Secretary of State that the son attended school at Jefferson City, to become later his father's chief clerk, or assistant Secretary of State. The father by virtue of his office was a member of the official family of the courageous and fiery Claib Jackson, then Governor. The son as his father's chief helper was thrown into intimate relations with the public men of that day, was an active participant in the stormy scenes of those times, and can therefore now relate many interesting incidents respecting the men and events that then made history. His narrative of the evacuation by the State government of Jefferson City, of how it followed Price's Army South after the battle of Boonville, of the convening of the Legislature at Neosho and the varying fortunes of the great seal of Missouri, is especially interesting. Because of their historical import the facts are here incorporated as Mr. Massey's friends have often heard him relate them.

In the spring of 1861, the capture of the State Militia at Camp Jackson, in St. Louis, by the Federal troops under the command of General Lyon, caused great excitement at Jefferson City and a call was made by Governor Jackson for 75,000 of the volunteer militia to assemble there to protect the State against Federal invasion. It soon became apparent that no sufficient force could be gathered at the Capital to resist the march upon that city by General Lyon, and so about the first of June it was determined that the State government should remove, or retreat from Jefferson and carry with them such of the records of State as were portable and absolutely necessary to conduct the State government while it was thus on wheels. In a state of intense anxiety and expectation and in great haste, after dark one night about the 12th of June, such records were packed in the Secretary's office as had been determined it was necessary to take, and with them the State seal, and carried for concealment and protection to the residence of Captain Rogers, an old gentleman who lived in a stone house just back of the Capitol, inside the corporate limits and up the river from the main part of the town. The seal and records were stored in his house for a day or two, then packed in wagons and hauled to Boonville and from there, after the skirmish of June 17, followed the fortunes of the retreating State forces from the first battle in the State at Boonville to the encampment down on the Cowskin, a stream in the southwestern part of the State, in McDonald County. The seal, which is now one of Missouri's historical relics, remained in the custody of the Secretary of State, who was with the Governor, and its impress appeared on the certified copy of the ordinance or act of secession passed by the Legislature convened at Neosho. This seal remained, after the battle of Wilson Creek, in custody of the subject of this biography at Springfield, Missouri, until the retreat of General Price in the spring of 1862. He had it in charge at the time of the battle of Pea Ridge in March of that year, and took it on the march from Van Buren, Arkansas, after the battle of Pea Ridge, to Des Arc on White River in Arkansas.

When General Price's Army and Governor Jackson's civil staff, including the Secretary of State, Lieutenant Governor and others, reached this little town of Des Arc they there met the Committee or Commission which had been appointed by the Legislature at Neosho to superintend the engraving or lithographing of $10,000,000 in State bonds, by which the seceding State expected to obtain the sinews of war. These bonds were there signed by the Governor and sealed with the said seal and attested by the Secretary. As the Secretary of State was absent it became the duty of his son as his representative to affix his father's name and the seal of the State to many of these bonds. The bonds of smaller denomination were then used for paying the State troops whose time had about expired. Shortly thereafter Price's Army disbanded as a State organization, and the larger part of the troops



Benj. U Mabey

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enlisted in the Confederate service. Governor Jackson died shortly afterward at the home of his son-in-law, at Des Arc, and Lieutenant Governor Reynolds, who was then with Governor Jackson, assumed the reins of State government, guided the ship of State as well as might be under existing circumstances. It is Mr. Massey's impression that he (Governor Reynolds) then took charge of the State seal, as that was the last he saw of it until after the war, when this seal was presented by Governor Reynolds in person to Governor McClurg, at Jefferson City, and where it now remains as a relic and souvenir of the part taken by Missouri in the conflict of States.

Before the State government evacuated Jefferson City, Mr. Massey had settled on the law as a profession, but the breaking out of the war deprived him of the opportunity to attend a law school, and it was in the closing days of the war that he began reading in the office of Judge E. L. Edwards at the State Capital. Shortly after the close of the conflict he entered the office of McAfee & Phelps, one of the strongest law firms in the State, being composed of Hon. Charles B. McAfee, now Judge of the Criminal Court of Greene County, and Hon. John S. Phelps, who in 1876 was elected Governor of Missouri. Under such tutelage the young man prosecuted his studies to a conclusion, and was admitted to the bar by the Circuit Court at Springfield, July 18, 1866. In 1869 he was admitted to the firm of McAfee & Phelps as a partner, and in appreciation of the fact that he had married about that time, the two seasoned veterans of the law, McAfee and Phelps, decided that the young man should be made the senior member of the partnership, and thus the style of the firm became Massey, McAfee & Phelps. He has practiced in Springfield continuously ever since, and has largely kept free from forming any relationship with organizations or affairs outside of his profession. His practice is very largely of a corporation character, which is in itself evidence of his standing as a lawyer, as the great aggregations of capital employ none but the best talent in that line. The following are some of the corporations for which he is the regular attorney: Springfield Traction Co., Springfield Lighting Co., Bank of Springfield, Central National Bank, Springfield Wagon Co., Holland Banking Co., and Springfield Waterworks Co.

Mr. Massey was first married April 20, 1869, to Miss Sidney Smith, a step-daughter of the late Gen. James L. Minor. The marriage was consummated at Jefferson City, the home of the bride. Mrs. Massey died in February, 1875. In November, 1879, Mr. Massey was married the second time to Miss Crissie Boone, who died in July, 1891. In 1893 Mr. Massey was married to his present wife, who was Miss Ella Jones. To the first marriage was born one child, a son, named Benjamin Minor Massey; to the second marriage were born two children, named respectively Robert and Alice, and to the third a daughter, Mildred.

CHARLES BINGLEY McAFEE,

SPRINGFIELD.

A MAN of many lovable traits, of strongly pronounced individuality, and redolent of the originality, virility and naturalness of the great West, is the Hon. Charles Bingley McAfee, of Springfield, now Judge of the Criminal Court of Greene County. Judge McAfee may be considered as a better type of the strong, reliant, independent, creative characters produced by that developing section, the great West, where "every tub stands on

its own bottom.'' He is in all respects a self-made man, and wrought out his aspirations toward the law by reading Blackstone in spare moments while shoving the jack-plane as a carpenter. Frequently he brushed aside the shavings on his bench that he might find a resting place for his law books.

Judge McAfee comes of Kentucky-Virginia stock, and was born at Lexington, Kentucky, March 28, 1832, and is therefore now in his sixty-sixth year. He is the son of Robert McAfee, born in Kentucky, and his wife, Martha Cavanaugh, a native of Virginia. His ancestors were of that bold, fearless pioneer stock that reclaimed this continent from savagery, and he, their descendant, is a genuine type of the pure American. They loved freedom and the frontier more than money, and hence none of them amassed great wealth. Some of them were the companions and friends of Boone and they were mostly Indian haters and fighters.

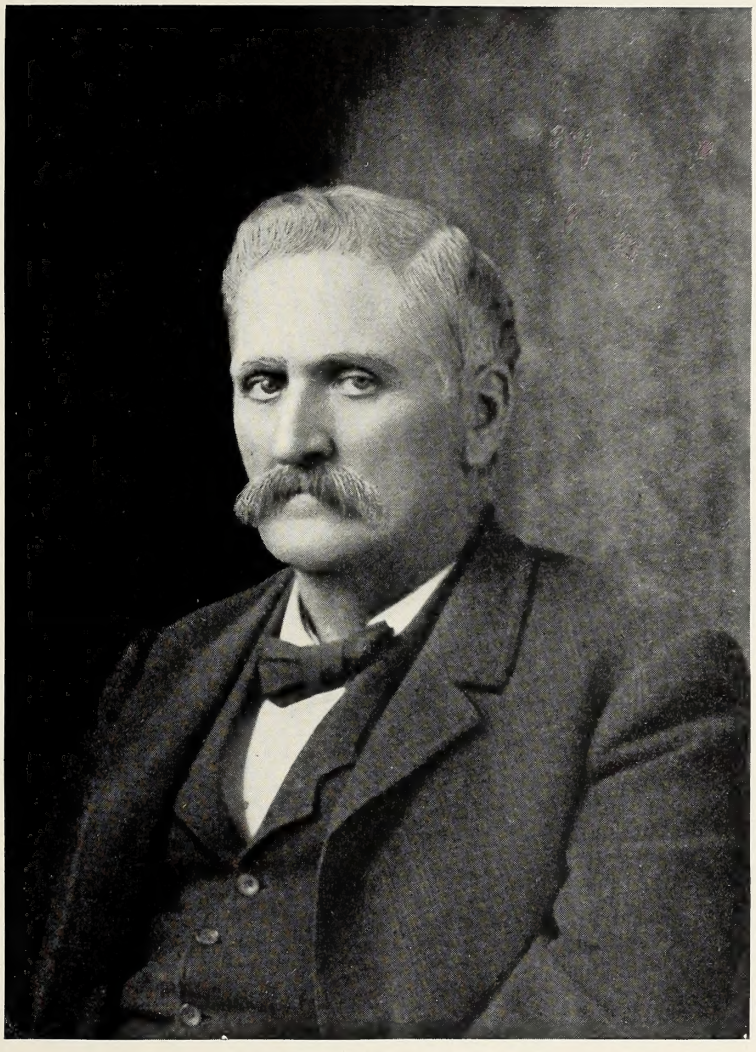
At a very early day Judge McAfee's parents moved to Missouri, settling in Marion County, later moving to Shelby County. In these counties the former received his education, attending the school kept in the log school houses of that pioneer day. Later he learned the carpenter's trade, and it was while working at the bench for from five to twelve dollars per month, ''and board,'' that he fitted himself for the bar. He was admitted in Harrison County in 1854 by Judge Dunn.

Notwithstanding his Southern birth and breeding, when the war came on he entered the Federal army. He enlisted as a private, served three years and rose successively to the rank of Lieutenant, Captain and Major. He was also for a time Judge Advocate of the District of Southwest Missouri.

Few men are more widely known in Missouri than Judge McAfee, as he has lived at different times in Marion, Shelby, Cooper, Callaway, Platte, Nodaway, Macon, Grundy, Mercer, Henry, Randolph, Buchanan and Harrison Counties. After the war he settled in Greene County, and there his practice has augmented and his reputation increased. For many years he was a member of the firm of McAfee & Phelps, the junior member, John S. Phelps, afterward being Governor of Missouri. Afterward the firm admitted B. U. Massey.

Judge McAfee is a man whom his fellow-citizens have delighted to honor. He was a member of the State Constitutional Convention of 1875. In 1868 and again in 1872 he was his district nominee for Congress, or, as the Judge puts it in that whimsical vein of humor which is one of his marked characteristics—''There were two occasions when I did not go to Congress. There were several thousands more Republicans in the district than Democrats, and some of the former neglected to vote for me.'' He is patriotically devoted to the interests of Southwest Missouri, and with others organized and assisted in building the street railway of Springfield. In 1896 he was elected to the position he now occupies as Judge of the Criminal Court of Greene County.

Judge McAfee is a thoroughbred Democrat, is a Master Mason, Royal Arch and Knight Templar, and has trod the burning sands as a Shriner. In the period succeeding the war, he labored tirelessly to have the olive branch extended, and some account of those times will be found in his inimitable sketch in this volume. Like all men of kindly nature and great soul, the Judge is a lover of nature. He knows all the hills of the Ozarks for miles around Springfield, and all his spare time is spent with gun and rod afield.



C. B. McAfee

Judge McAfee was married in February, 1864, in Newton County, to Martha Elizabeth Ritchey. They have five boys — all Democrats — as the Judge puts it, "a straight flush of Democrats."

FRANK WINTON McALLISTER,

PARIS.

OLDER members of the bar in Monroe County regard Frank Winton McAllister as a young man with a future full of rich development. Like many others who have risen to legal positions in Missouri, he was born and raised on a farm, his birthplace being near Paris, in Monroe County, Missouri, on January 26, 1873. His father was William Horace McAllister, a native of Spencer County, Kentucky, of which place he was one of the foremost citizens. The paternal grandfather of Frank W. McAllister was Gabriel McAllister, who, born and reared in Maryland, emigrated to Kentucky, and brought with him into Spencer County the culture and intelligence of the East combined with the industry and honesty inherited from his Scotch-Irish ancestors. Mr. McAllister's maternal grandfather was Robert Caldwell, who was of Scotch descent. He was a native of the rare old State of Virginia, which has been the mother of so many of the forefathers of eminent lawyers practicing to-day in Missouri. His daughter, Sallie P. Caldwell, who married William Horace McAllister in Monroe County, Missouri, in 1868, is the mother of Frank W. McAllister. The parents are both alive, and their present home is in Saline County, Missouri, where they are in comfortable circumstances, and will probably spend the rest of their days. Frank is their only child, and their pride and solace.

After several years in the public schools of Nelson, Saline County, Mr. McAllister decided that the legal profession was best fitted for his talents, and he entered the law office of R. M. Reynolds, at Marshall, in Saline County. After a course of diligent study, he was admitted to the bar on October 22, 1894, at Marshall, by Judge Richard Fields. He chose his own town and county as the most promising field for his future labors, and began practicing law at Paris, in April, 1895, being still there.

Although receiving a practical education in the public schools, Mr. McAllister is to some extent self-taught, being to this day as earnest a student at home of the higher branches of learning as many younger men are in their colleges. He has made himself proficient in Greek and Latin in an unusually brief time by the closest application, going through a two years' course in a private Latin class. The remarkable feature in Mr. McAllister's career as a lawyer is the rapidity of the advancement he has made, and the firm footing of every step taken, based upon the thoroughness of hard study. Although he has inherited much of his capacity for perseverance, he can say the foundation of his success lies principally in his own individual efforts to rise in the world.

Mr. McAllister is City Attorney of Paris, and as such has managed the municipality's affairs with an insight and discrimination that make all obstacles easily overcome. Perhaps his best work as City Attorney has been the revision of the city laws, which he recently made. This compendium is much admired by veteran lawyers, and is said by them to be a masterpiece of collation and arrangement. Considering the difficulties of the task and the ease with which it was performed, the result is superb.

In the courts of Monroe County, Mr. McAllister is always eloquent in pleading; still he lays no great stress on being an orator. It has been proven, however, by aural demon-

stration, that, as President of the Bryan Free Silver Club of Paris, he is developing oratorical talents of a high degree. It is safe to say that before he is many years older his voice will be heard throughout the State discussing all leading issues from the Democratic standpoint. He has been connected in his time with cases, not only of importance as to the matter in dispute, but full of legal entanglements that would puzzle many older and more experienced heads in the profession. It is in the study and management of such cases as these that his capacity for hard work exhibits itself to the highest advantage. The more complicated and confusing the question to be solved, the more pleasure it affords him; and when success finally comes, which it generally does, he is on the lookout for a problem harder still to solve. Mr. McAllister is not married.

THEODORIC FACKLER McDEARMON,

SAINT CHARLES.

AFTER the French settlement in and around St. Louis, came the influx of those hardy, strong and fearless pioneers from east of the Mississippi, the immigrants coming almost exclusively from the States of Virginia, Kentucky and Tennessee, which States in that day, although sparsely settled and decidedly primitive, were still too old and crowded to please the pioneer instincts and love of freedom, the "desire for the unpeopled woods and boundless prairies," of these brave people, who would have felt confined and hampered in the civilization of this day, for which they laid the foundation. The number who came from those States was insignificant before the admission of Missouri in 1820, and even after that they did not come in bands as did the Germans in 1833, but their settlement on the eastern border of the State progressed through twenty years, or up to 1840. They were not city dwellers, were not used to acting in concert, and each head of a family feeling certain of his complete ability to protect and care for that family, desired to be free from the restraint even of acting in concert with any one. Thus they came in families, by ones and twos, and settled all that stretch of rich country bordering the west bank of the Mississippi and which now constitutes the counties of St. Louis, St. Charles, Lincoln, Pike and Marion. They were a dominant people, and were the highest type of the Anglo-Saxon, if such a bull may be permitted respecting a people whose origin was partially Celtic. Then and ever since, in contact with other races, and even the people from other States, their ideas, opinions, customs and habits have colored and shaped the general mass.

Among the Virginians who settled in that section of Missouri, not long after the admission of the State, was James R. McDearmon, whose ancestors originally came from the north of Ireland. About 1831, leaving his wife, he came on horseback from Virginia, and taught school near Bridgeton, in St. Louis County. The following year he returned to Virginia and moved his wife and two children, who were born in Virginia, to Bridgeton, where he continued teaching school. His wife was Martha A. Gannaway, daughter of a respected Virginia family of Scotch origin which settled in Virginia some time near the middle of the Seventeenth Century. The grandfather of James R. McDearmon's wife served under Braddock on the celebrated expedition when he led his soldiers to such complete defeat. After a time James R. McDearmon and wife bought a farm and moved to St. Charles County, and there on June 14, 1840, was born the subject of this biography. James R. McDearmon was a man of splendid character and noble attributes. He had a

fine education, and soon impressed his fellow-citizens with a sense of his strength and worth. For many years he was Judge of the County Court of St. Charles County, and was appointed in 1846, by Governor Reynolds, State Auditor, and was still acting in that capacity when he died, in 1848. In the fall of 1847 a movement was inaugurated to nominate him for Governor, and St. Charles and Pike, then dominant counties in the politics of the State, instructed for him, but his death in March, 1848, ended all efforts in that direction, and Austin A. King was nominated and elected.

Theodoric F. McDearmon received the principal part of his education at St. Charles College, which was the first college for males established west of the Mississippi, and is yet one of the flourishing educational institutions of St. Charles. He studied law and was admitted to the bar in 1862 at St. Charles, and has lived there ever since, with the exception of two years when a boy, which he spent with his father at Jefferson City, while the latter was Auditor, and a term of three years spent in the West, this journey to the West being made in 1865, the next year after his admission to practice. He located at Helena, Montana, but did not enter into practice. While there he was appointed by Governor Edgerton, Judge of the Probate Court, but did not qualify, as he returned to Missouri in 1866. Prior to going to Montana he was a member of Missouri Enrolled Militia and was First Lieutenant of Company A, of this regiment, but was called into no active service, except in the county.

After his return to St. Charles in 1866 he took up the active practice of law and has been engaged therein ever since. In 1872 he was elected City Attorney of St. Charles and has with the exception of four years, served continuously in that position ever since. By the district composed of St. Louis, St. Charles, Lincoln and Warren Counties he was nominated for the St Louis Court of Appeals in 1884, but was defeated. He was also a Democratic candidate for Congress in the Ninth District in 1888. Mr. McDearmon is a staunch friend of education and has labored assiduously to advance the educational interests of his town. He has been President of the School Board for many years and is yet serving in that capacity. In fraternal circles he is a member of the Ancient Order of United Workmen, the Knights of Honor and the Maccabees.

Mr. McDearmon was married October 16, 1876, to Miss Fannie Fielding, of St. Charles, her father being a civil engineer and interested in railroads. Her grandfather, John H. Fielding, was the first President of St. Charles College, and a pioneer Methodist preacher of that vineyard. It will thus be seen that the family is one of the oldest resident of that section. Mr. and Mrs. McDearmon have five interesting children, four girls and one boy, named respectively, Madge, Theo, Patty, Fielding and Frances.

Mr. McDearmon's practice is general, and as St. Charles is a peaceful community, it is largely of a civil character. However, when the docket does furnish a criminal case his name is likely to appear as one of the attorneys. He has appeared as defender in a number of first-degree murder cases, and has always managed to save his client from the gallows. He is a thorough lawyer and his knowledge of the ethics of his profession is equalled by few lawyers of that part of the State. He is suave of manner and pleasing of address, and is a powerful speaker either before a jury or a promiscuous audience. In party councils his voice has authority, the Democrats of St. Charles County look to him as a leader, and his is generally the first name selected in any local convention to send delegates to the conventions of the party. As a citizen he is public spirited and always ready to give the fullest assistance to any enterprise having in view the advancement of his town. His integrity is

unimpeachable, and his character as a man has met the fullest test—a residence of a life-time in one community, which has been followed by the universal respect and esteem of his neighbors. They appreciate his generosity of heart, his broad liberality of mind and his thorough humanity because they have noted the expression of these traits through many years.

MARSHALL FRANKLIN McDONALD,

SAINT LOUIS.

MARSHALL FRANKLIN McDONALD is indebted only to his own ambition and signal ability for the proud position he now occupies as one of Missouri's greatest criminal lawyers. He has made his way in life by the strength of native talent. He came to St. Louis without a nickle in his pocket, not knowing a soul in the great metropolis, but with that energy and pluck which is the animating principle of genius, he went to work without a moment's delay to improve his condition, and he has been doing it ever since.

Like so many hundreds of the active, able, pushing Americans who dominate every line of commercial, business and professional urban life, Mr. McDonald was born and spent his youth amidst natural and healthy rural scenes. His father owned a comfortable homestead near Council Bluffs, Iowa, and thereat his son was born, March 14, 1854. His father was Milton McDonald and his mother Adelphia McDonald, nee Wood. His early life was that of most country boys, his time being divided between work on the farm in summer and attendance at the district school in winter. When sixteen years old he entered a drug store to learn pharmacy, and remained in that business until 1875. During his connection with the drug trade he graduated from a college of pharmacy at Chicago, and but shortly thereafter determined to become a doctor instead of a druggist. In his study of medicine he gave special attention to surgery, and attended one course of lectures under Professor Boyd of Chicago. But fate had decreed that Mr. McDonald was never to be a physician. In 1876 gold was discovered in the Black Hills, and since the dawn of history that metal has exercised a fascination on mankind, has raised their enthusiasm and led them in its quest as nothing else ever has. The young medical student in Chicago felt its hypnotic influence. He abandoned his books and returning to his home near Council Bluffs, where by sacrificing all his earthly possessions, he was able to fit out a four-mule team and wagon for the trip which was destined to prove unfortunate for Mr. McDonald, at least. With three companions he made the journey overland with the four-mule team to Sidney, Nebraska, and from there to the Black Hills. They at once engaged in mining, but only a short time elapsed before young McDonald fell ill of mountain fever. The attack was severe and most tedious, his mining interests were sacrificed and attendance in the camp being very costly, when he finally began to convalesce, he found himself without a dollar. Although far from complete recovery, he determined to leave the Hills, hoping to reach a point more conducive to recovery than a mining camp could be. He persuaded some freighters to assist him, and was accordingly placed in a trail wagon and thus hauled to Cheyenne, three hundred miles distant. Having grown gradually stronger, he was enabled to work his way from Cheyenne to Denver, from where he walked to Deer Trail, fifty miles distant. But the exertion proved too much for him in his weakened condition, and as he was wholly without money, he could go no farther. He remained at Deer Trail two or three weeks,



Marshall F. McDonald

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working at odd jobs for his board, until by a happy circumstance he became acquainted with a cattle shipper, who offered to carry him to St. Louis if he would assist in caring for a train load of cattle. It was thus that he arrived at the National Stock Yards, East St. Louis, November 28, 1877.

On the day following, Mr. McDonald found himself in a great city, where he did not know a soul and without a cent in his pocket. But his strength had returned and with it came confidence that he could take care of himself. In walking down Broadway he saw a load of coal which had been dumped in front of a small restaurant. It did not take him long to strike a bargain with the proprietor, whereby he put the coal in the cellar and received in remuneration the princely sum of twenty-five cents. While he was investing the quarter in the first square meal he had been able to enjoy in many days, he told the proprietor something of his misfortunes, and the former generously offered to allow him to work for a while about the restaurant for his board. After about six weeks had passed under these circumstances, through the kindness of the wholesale drug house of Meyer Brothers & Co., Mr. McDonald obtained a situation as a clerk in the drug store of a Dr. Beatty, then located at Tenth and Olive. This position he filled until 1880 and only left to accept an appointment as clerk in the office of the Circuit Attorney, Joseph R. Harris, then just entering upon the duties of his office.

To Mr. Harris the bar of St. Louis will ever stand indebted. He soon noted in his new clerk a natural mental equipment of the highest order, and that he was splendidly endowed with that discrimination and gift of language which especially adapted him to the legal profession. It was Mr. Harris who persuaded him to enter the law. With the generous assistance of his employer, he prosecuted his studies and was duly admitted to the bar in 1881. Mr. Harris falling sick during his term, the responsibilities of his important office were committed to Mr. McDonald, and so successfully did he discharge those duties, that in 1884 he was made the nominee for Assistant Circuit Attorney on the Republican ticket and was elected for a term of four years. It fell to the lot of the Circuit Attorney to appear for the State in many cases of the first importance, among which was the noted Maxwell case and that of the Chinese Highbinders. The young Assistant Circuit Attorney was delegated to appear as leading counsel of the State, handling the cases with a wisdom, ability and skill that was a revelation to older lawyers.

The knowledge of chemistry, therapeutics and surgery obtained through his practical knowledge of pharmacy and his study of medicine, have proved invaluable to Mr. McDonald in the department of criminal law. There is rarely a crime committed into which some of these factors do not enter, and a lawyer understanding the sciences named, is doubly armed against his opponent. But knowledge of medico-legal law is by no means his only source of strength. There are few lawyers who are his equals as a cross-examiner and as a pleader his eloquence is persuasive, convincing and forceful. He is as witty as he is ready, and many an opposing lawyer and witness can testify to the sharpness of his stinging satire. The noted Vail case, in which he appeared as defender against four of the ablest lawyers in Missouri, is a fair illustration of his energy and enthusiasm in behalf of his client. His effort could not have been more strenuous, his methods more skillful, had he himself been on trial for his life. His endeavors resulted in the acquittal of Vail on charge of murdering his wife. Since he has retired from office, Mr. McDonald has handled a number of similar criminal cases, although his practice is by no means confined to criminal law. In

civil law he has about all the business he can attend to. Mr. McDonald's legal career is summed up in the statement that within a dozen years of practice he has risen from an even start with the world to the position of one of the leading criminal lawyers of Missouri.

WALTER F. McENTIRE,

SAINT LOUIS.

PERHAPS there are few among the younger contingent of St. Louis lawyers who have forged more rapidly to the front, or whose present position and undoubted natural talent give more pronounced assurance of a bright future career as a barrister and publicist, than Walter F. McEntire. There are not many of his professional brethren of even a much more extended experience who are more widely known or more popular in St. Louis than he, and the influence he wields now in public affairs demonstrates the fact that he is possessed of the qualifications that will some day carry him to a high position in public life.

Mr. McEntire is a native St. Louisan, having been born in that city, June 4, 1861, though he is no exception to the rule whereby Missouri lawyers trace their origin back to either Virginia or Kentucky, through one or the other branches of their genealogical tree. Virginia is the one that applies in the present instance, Mr. McEntire's father, Joseph McEntire, having come from that, his native State, to St. Louis some time in the early 'forties. Those were the palmy days of river navigation and with this line of traffic he soon became identified, confining his activities largely to the Missouri and upper Mississippi Rivers, in whose trade and transportation he was a prominent figure for a number of years.

The American pioneers of the McEntire family came from the north of Ireland and settled in Virginia at a very early day. Joseph McEntire married Morgiana Rosamond Sheble, the mother of our subject, who was a member of one of the very oldest Quaker families of Pennsylvania. She was of Bavarian descent by one branch of her family tree and of English by the other, was born in Philadelphia and was the daughter of Frederick Sheble and Rachel Cumming, his wife. Both their families being Friends, and thorough believers in the doctrine of "the non-resistance of evil," they hailed Penn's idea of the formation of a colony in the wilderness of the New World, where the tyrant's rule and the wars of his bloody-minded retainers would be unknown, with expressions of enthusiasm and delight. The Cumming family left Warwickshire, England, and came to America shortly after Penn obtained his famous grant, if they did not come as one of that great Peace Apostle's original company. The ancestors of Frederick Sheble were of a company organized in Bavaria by Rev. Francis Daniel Pastorius, to join Penn. Rev. Pastorius was a Lutheran minister, a man of the highest Christian character and an associate and friend of Penn. He was a man of scholarly attainments, of poetic instincts and an intense lover of liberty. An example of his quality as a poet may be found of interest, and therefore the writer here appends a few lines of his, translated from the Latin poem preserved in the "Germantown (Pa.), Records, 1688:"

Hail to posterity!
Hail, future men of Germanopolis!
Let the young generations yet to be
Look kindly upon this.
Think how your fathers left their native land,



Walter L. McEntire.

Dear German land, O, sacred hearth and homes!
And where the wild beast roams
In patience planned
New forest homes beyond the mighty sea,
There undisturbed and free
To live as brothers of one family.
What pains and cares befell,
What trials and what fears,
Remember, and wherein we have done well
Follow our footsteps, men of coming years;
Where we have failed to do
Aright, or wisely live,
Be warned by us, the better way pursue.
And knowing we were human, even as you,
Pity and forgive.
Farewell, posterity!
Farewell, dear Germany!
Forevermore farewell!

Walter F. McEntire received his education in the public schools of St. Louis, passing from the regular district to the high school. His intention to adopt the law was early formed, and accordingly after leaving school he entered the office of Nathaniel Myers, now a prosperous and prominent lawyer of New York City. Under the latter's tutelage he completed the regular course and was admitted to the bar, October 11, 1881. He has remained all his life in St. Louis, excepting a period of about a year and a half spent at Leadville, Colorado, and vicinity, during the boom days of that great mining camp.

Almost from the time he opened an office in St. Louis he has enjoyed a good practice. He seems to have been impressed with the vital truth of the retort made by Daniel Webster to a young legal neophyte who complained that the legal profession was most discouragingly crowded, to the effect that, "there is always room at the top," for since the day he received his license to practice he has employed every capability to the attainment of that lofty position. How far he has progressed in that direction, his present splendid practice tells most accurately and eloquently. He is masculine and masterful both physically and mentally, and this virility is manifest in all his professional work. Once fully convinced of the right and legality of his position, he carries a case forward with a vigor and a determination that is loath to confess even the possibility of defeat. It is supreme confidence that wins in all the walks of life, and has frequently in the larger affairs of men, achieved victory where the Fates foretold certain disaster. He is frank and straightforward, for that is the way of men of his vigorous physical and mental constitution. It is the weak and inept who are generally compelled to resort to cunning and subterfuge to carry their ends, and thus it is that you will nearly always find one of this physical and mental equipment a faithful and warm friend and a bitter but open enemy. He is a man of the utmost sincerity and before a jury this characteristic doubtless has its effect. As a pleader he is convincing and logical, his oratory being characterized by rugged forcefulness rather than ornate embellishments, abounding more in the strong and simple Anglo-Saxon than the delicate and figurative Latin elements.

Although never a seeker of public place, Mr. McEntire is one of the best known public men of the metropolis. In 1889, however, he consented to the use of his name as a candidate for the Board of Education of the City of St. Louis, running as an independent. Although opposed by four strong candidates he was elected by a handsome majority.

As a member of the Board he was assigned to and elected Chairman of the Teachers' Committee, one of, if not the most important and responsible subdivisions of the Board. Mr. McEntire had always been profoundly interested in the cause of education, and clothed with official power, he entered into the work before him with the enthusiasm and earnestness that are his distinguishing traits. Too often the office of school director has been accepted simply as an honor, empty of personal service or responsibility. The young lawyer had no such conception of its requirements. To him it meant personal sacrifice and labor, and public duty faithfully, honestly and efficiently performed. The result was most beneficial to the schools of St. Louis and his public service attracted more attention than the efforts of any citizen who had occupied the place for years.

Politically, Mr. McEntire is a Democrat, and one too, deeply imbued with the principles of Jefferson. His influence in the political field is a constantly appreciating quantity, and he is now looked upon as one of the wisest counselors of the young or more energetic element of the party in St. Louis. His campaign work is no less active than effective, he having the power as a campaign speaker to adapt himself to the time, circumstance and audience in a most happy manner. Personally, he is both well known and popular, and is every way well equipped for a public career.

Mr. McEntire is an active member of numerous clubs, societies, etc., among the more conspicuous of which may be mentioned the Mercantile, Union, Jefferson and Jackson clubs, the last two being political organizations. He has held office in nearly all the organizations to which he ever belonged.

On August 1, 1887, Mr. McEntire was married to Julia, daughter of G. O. Kalb. The latter was a prominent German-American citizen of St. Louis, who came to that city many years ago and was one of the founders of the St. Louis Fair Association. For many years during the earlier period of its existence, he was the Association's Secretary. Mr. and Mrs. McEntire have one child, Vera R., born June 13, 1888.

JOHN E. McKEIGHAN,

SAINT LOUIS.

THE life record of John E. McKeighan is an inspiration to every young lawyer ambitious to succeed in that deep and abstruse branch of human knowledge and effort, the law. Never seeking position or place, or to bring to his aid extraneous influences, he has diligently and industriously applied himself solely to the law, its study and practice, and has reached a plane in his profession where he is honored and respected, and where his services are sought because the mere fact that he appears in behalf of a cause gives it dignity and prestige.

The dual influence of Nature in its beauty, country simplicity and absolute truthfulness, acting upon the impressionable mind of sympathetic youth, followed by a contact in maturer years with men, the various expressions of the human mind called in its collective result a City, seems necessary in the creation of the strongest, most complete and perfect man. American conditions seem to imply that an intimate knowledge of the Natural is necessary to a complete mastery of the Artificial, and that only a contact with both makes the finished and fully rounded character. Leastway, most of the successful men in American city life are country born and bred. Mr. McKeighan may be cited as an example of



J. E. McKeighan

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this proposition. Born and reared on a farm, his subsequent life has been successful beyond the expectation or hope of most men.

A general detail of his life history therefore must begin with the fact that he was born near the little town of Farmington, in Fulton County, Illinois, on July 20, 1841, and that he is the son of Robert and Ellen (Tuttle) McKeighan. His father was a well-to-do farmer and landed proprietor and the son was given good educational advantages. He began in the district school near his home, and from there went to Knox College, at Galesburg, Illinois, where he made preparation for a university course. He entered the University of Michigan, at Ann Arbor, and graduated with credit from that college in June, 1866. Acting in conformity with his own inclination and that of his parents, he determined to adopt the law as a profession, and with such purpose in view entered the office of Martin Shellenberger at Toulon, Illinois, and in May, 1867, was duly admitted to the bar at Ottawa, Illinois.

He first located for practice at Bolivar, Polk County, Missouri, but changed his scene of operation within a few months to Baxter Springs, Kansas, then one of the promising towns of that section. It was in March, 1868, that he opened an office at the last named town; in March, 1871, he formed a partnership with H. C. McComas, and had again changed his location and was at Fort Scott, Kansas. The years 1875 and 1876 were years of calamity to Kansas. The locusts came from the West and impoverished the land and that was perhaps one of the causes that decided Messrs. McKeighan and McComas to move to St. Louis in the year last named. The partnership was a most agreeable and profitable one and was not broken by change of location, but continued up to 1881, when through Mr. McComas' removal to Silver City, New Mexico, it was dissolved. This was a most unfortunate change to Mr. McComas, and its consequences a source of deep sorrow to his old friend and former partner, as both Mr. McComas and his wife were murdered by Indians within the year following their settlement in New Mexico.

Mr. McKeighan's next partnership arrangement was with Silas B. Jones (McKeighan & Jones), which lasted until January 1, 1885, when he entered into a partnership with Judge Wilbur F. Boyle and Judge Elmer B. Adams, under the style of Boyle, Adams & McKeighan. This was dissolved January 1, 1892, by Mr. McKeighan's withdrawal to become a member of the firm of Lee, McKeighan, Ellis & Priest, which was dissolved upon the appointment of Mr. Priest to the position of Judge of the United States District Court for the Eastern Division of Missouri. After this Messrs. Lee and McKeighan continued the business of the late firm until Major Lee's death in the spring of 1897.

Mr. McKeighan has that civic pride which has led him to identify himself with many movements of a public character, notably the Fall Festivities Association, the Citizens' Smoke Abatement Association and has in many ways rendered the people and his city valuable assistance. In legal circles he is recognized as one of the State's greatest authorities on constitutional law, and likewise his knowledge of corporation law is profound. His practice is wholly civil and he appears as special counsel in behalf of many banks, railroads and other large corporations. At the beginning of his career he mastered the basic principles of the law's science, and building on this foundation, his knowledge of the subject has been increased and widened by the experience of thirty years of practice. He is of a scholarly cast of mind and his cultivation and learning are graced by polished manners and a personality that pleases and impresses all with whom he comes in contact. He is a man

of liberal views, high ideals and æsthetic tastes, and is a higher type of nineteenth century civilization and development.

Among the most notable cases with which Mr. McKeighan has been connected may be mentioned: The Federal Government versus the Leavenworth, Lawrence & Galveston and the Missouri, Kansas & Texas Railways, to set aside patents for about one million acres of Kansas land, in which Mr. McKeighan appeared for the government, associated with such learned counsel as Hon. George R. Peck, Hon. Jeremiah Black, Hon. William Lawrence, of Ohio, and Governor Shannon, of Kansas; suits involving about 600,000 acres of land in Kansas, which was known as "The Cherokee Neutral Land," and in which he appeared with Hon. William Lawrence and others. He also appeared as counsel in causes involving the clause of the Missouri Constitution of 1875, making directors of banks responsible for deposits after they knew their bank was insolvent; and involving the first anti-trust law passed by Missouri. With E. D. Kenna and L. F. Parker, he appeared for the defendant in the case of Missouri versus the St. Louis & San Francisco Railroad, whereby the former sought to compel the latter to pay to it an old debt of the Southern Pacific to the State, involving in principal and interest $750,000. Judge Withrow found the defendant not liable, a decision affirmed by the Supreme Court. With Hon. John H. Bothwell he appeared in behalf of Sedalia in the case of Edwards versus Lesueur, to enjoin the submission of the Constitutional Amendment to remove the State Capital to Sedalia. The Supreme Court denied the injunction. Another important case, in which he was associate counsel with Alexander & Green, of New York, was the suit instituted in the United States Circuit Court in foreclosure of a $14,000,000 mortgage against the St. Louis & San Francisco Railway.

Mr. McKeighan was married November 2, 1869, to Miss Helen M. Cutler, daughter of Thomas C. and Lucy (Culver) Cutler, of Kalamazoo, Michigan. A few years ago Mrs. McKeighan died, leaving as a consolation to the husband and father, three bright and promising children. The latter are named Robert, Mabel and Ellen.

THEODORE LEONARD MONTGOMERY,

KAHOKA.

SUCCESS which is the result of hard work and integrity is the success that exists substantially and permanently. This truth is simply illustrated in the legal and social career of Theodore Leonard Montgomery, one of the foremost barristers of Clark County. He was born on a farm in Pendleton County, Kentucky, on January 22, 1855, and he enjoyed the advantages of farm life in Kentucky and Missouri until he reached the age of twenty-one. His father, John W. Montgomery, was a native of Kentucky, but of Scotch and Irish descent, he being the son of James A. Montgomery. Mary S. Dicken was the maiden name of Theodore L. Montgomery's mother, and she was married in Pendleton County, Kentucky, in 1853. She was of English and Welsh extraction, daughter of Charles and Mary Dicken and was born in Campbell County, Kentucky. The Montgomerys removed to Missouri in 1869, taking up a farm in Clark County near the present town of Kahoka. The father was a farmer and stock raiser and died there four years ago, at the age of sixty-eight, but the mother still lives, aged sixty-eight years.

To his daily legal duties Mr. Montgomery brings the reinforcement of a thorough education. He passed through a full course in the public and high schools of Kahoka, graduating with honors in the high school class of 1875, and is also a graduate of Missouri State University in the class of 1879, where he took a complete scientific and normal course, taking the degrees of Ph. B. and Pe. B. Then he studied law at Kahoka, in the office of Judge Benjamin E. Turner, being admitted to the bar at Unionville, September 13, 1880, by Judge Andrew Ellison. Returning to Kahoka, he immediately began the practice of law, and he has practiced there uninterruptedly ever since. For eight years he had as his partner, Judge John M. Wood, now of St. Louis, and formerly Attorney General of Missouri. He next formed a partnership with his brother, Sidney J. Montgomery, in August, 1892, under the firm name of T. L. & S. J. Montgomery, and this firm still exists.

Practicing in all the courts, State and Federal, including the United States Supreme Court, there can be no question of his ability and continued success. He is a powerful pleader and one of the most earnest of advocates, being especially proficient in cases involving abstruse and difficult points of law. One of his notable triumphs was obtained in the United States courts in the case of the Keokuk & Western Railway versus Clark, Scotland and other counties in North Missouri, to resist the payment of taxes by the plaintiff to the counties, $300,000 being at stake. As one of the counsel for the defense, he conducted his side of the question so ably as to win a decisive victory in the Federal Courts at St. Louis and Hannibal and on appeal to the United States Supreme Court. From 1887 to 1891 he served two terms as Prosecuting Attorney of Clark County, filling both in the most acceptable manner. In October, 1896, he was a candidate for nomination on the Democratic ticket for Judge of the First Judicial Circuit to succeed Hon. Benjamin E. Turner, deceased, as Judge of that circuit, there being one candidate from each of the four counties in said circuit. After balloting for more than twenty-four hours without a choice, the Hon. E. R. McKee, Chairman of the Convention, was nominated on the one thousand and thirty-sixth ballot. With the above exception he has never aspired to public office, but has devoted his time exclusively to his profession.

He is closely identified with the principal enterprises of his section, being attorney for the Atchison, Topeka & Santa Fe Railway; attorney for the Clark County Savings Bank and Director therein; President and Director of the Kahoka Telephone and Construction Company, and half owner of the Opera House Block, the most beautiful piece of architecture in Kahoka. In public esteem no man in his part of the State stands higher, either as lawyer or citizen. This fact has been continually attested during the past twenty years. He belongs to the Masons and the Knights of Pythias and is a member of the Baptist Church. He is also a Democrat and exercises a leading influence in the deliberations of his party, being always ready to make self-sacrifices to further its interests in that part of the State.

Mr. Montgomery is a genial companion and a true friend. He is sincere, frank and open, and there is none of that duplicity or cunning about him to lessen the excellence of his character. It is natural to one of such traits to be generous, philanthropic and kindly and he is no exception to this rule. His personality impresses one at once, and as his natural good will to all mankind is apparent, his friends are numerous and warm.

Mr. Montgomery was married December 1, 1881, to Miss Mary M. Jordan, the charming daughter of John and Mary J. Jordan, of Kahoka. Four children bless the union, two boys and two girls. They are: Leonard J., aged fourteen; Lenna G., aged twelve; Olive F., aged nine, and Sidney J., aged five.

THOMAS EDWARD MULVIHILL,

SAINT LOUIS.

THOMAS EDWARD MULVIHILL, Prosecuting Attorney of the Court of Criminal Correction of St. Louis, is a native of Ireland, having been born in County Clair, on the banks of the "Lordly Shannon," May 25, 1862. He is the son of Lawrence and Mattie (Finncan) Mulvihill. The former was a prosperous and well-to-do farmer in Ireland until the expiration of his leasehold. This could not be renewed, owing to the hard conditions imposed by the inconscionable landlord, and therefore Lawrence Mulvihill, though far advanced in years, was compelled to leave his family, home and country and seek a livelihood in a foreign land. He embarked for America in 1863. Two years later the balance of the family, consisting of the mother and four boys, two older and one younger than our subject, followed him. On reaching New York in 1865 a great calamity befell the newly arrived family, being, indeed, the death of the mother and the baby boy. The elder Mulvihill and his three remaining sons, afterward continued their journey westward, finding a resting place at Farina, Fayette County, Illinois. Thomas Edward being still a babe, could not receive the proper attention from his father, and it thus fell to his lot to be cared for and reared by his father's sister and her husband, Bridget and John Collins. The father lived until 1872, dying at Farina at the advanced age of eighty.

When Thomas Edward grew old enough he began attendance at the Farina public school, working on the farm in summer. This manner of life continued until 1880, when he was eighteen years old. In that year, on the solicitation of his cousin, Michael Collins, he went to Peotone, Will County, Illinois, where he continued to attend the public school, sustaining himself by working on the farm during vacations and by clerking in a country store. In 1882 he was persuaded by his eldest brother, Michael, to join him in St. Louis. Through the kindness and valuable assistance of that brother (now dead), Mr. Mulvihill was enabled to enter the St. Louis Law School, from which he graduated in 1885, and in June of the same year was admitted to practice in the State and Federal Courts, at St. Louis.

It is characteristic of the people of the Emerald Isle that they rise to the top in spite of every obstacle, wherever placed. It takes a certain amount of resistance always, to bring their best qualities to the surface, and in politics they find that resistance or opposition which acts as a developer of character. Politics has a charm for them they cannot resist, and Mr. Mulvihill was no exception to this rule. He had been here but a few years before he was in the thick of the fight, and on May 20, 1891, he was appointed Assistant City Attorney by Mayor Edward A. Noonan. While still holding this office, he was elected (November 6, 1894), Prosecuting Attorney of the St. Louis Court of Criminal Correction, an office of which he is still the incumbent. The result of that election demonstrates more emphatically than anything else could Mr. Mulvihill's splendid popularity, as he received a majority of 2,374, although the balance of his ticket was defeated by overwhelming majorities. It is, perhaps, unnecessary to add that he is a Democrat of the old school, strictly

partisan, undeviating. He has taken an active part in politics, National, State and local for the past twelve years, and is at this time precinct committeeman of the Twenty-eighth Ward.

Mr. Mulvihill is a member of the Legion of Honor, of the ex-Confederate Historical Society and of the St. Louis Bar Association. In 1887 he formed a partnership with E. C. Dodge, which still continues and which has proved both pleasant and profitable.

September 28, 1892, Mr. Mulvihill was married to Katie M. Daily, daughter of Owen and Mary Daily, old and respected residents of St. Louis. Mrs. Mulvihill is an educated and accomplished lady, having received her instruction in the schools of St. Louis, where she was born and reared. She is a graduate of the high and normal schools, and for two years was teacher in the latter. The couple have two children, Margaret Mary, four years old, and Thomas Lawrence, aged two. The little family, consisting, as Mr. Mulvihill would say, of "the mother bird, the two robins and myself," is comfortably situated under their "own vine and fig tree" at 5104 Cabanne Avenue.

CHARLES NAGEL,

SAINT LOUIS.

HONORABLE CHARLES NAGEL is a native of the great Southwest and is an example of the best, most virile and independent manhood of that broad domain brought to the fullest possibility of culture and development. Mr. Nagel was born in Colorado County, Texas, August 9, 1849. Although located in what is now the richest and most populous section of the State (near Houston), it was then on the extreme Southwestern frontier. He received his elementary schooling at the common schools of Austin County, in the same State, where he was still a pupil in 1863. In that year owing to the political bitterness of the time, the elder Nagel, who in that respect was not in harmony with the majority of his neighbors, felt constrained to leave Texas, and therefore, with the subject of this memoir, went to Mexico. After remaining for a time in the land of the Montezumas, they took a steamer for New York, and from there came to St. Louis, reaching that city February 4, 1864.

For one year young Nagel attended a German private school and then in 1865 entered the Central High School of St. Louis, from which he graduated in 1868 as valedictorian of his class. For a time he traveled abroad, devoted his time to private study and reading and sought that culture which is to be obtained only by travel and a wide observation of places and men. He was destined for the bar, and therefore on his return to his home he, in 1870, entered St. Louis Law School. He graduated and received his degree in 1872, and then again went abroad, this time to enter the University of Berlin, where he studied for a year, returned to St. Louis in 1873, and there has since then been actively engaged in practice.

He has never been a seeker of office, and nothing but the simple truth is stated when it is said that he is a man of such high and unsullied integrity and character, such absolute sincerity of purpose, that he has been urged more times than he has consented to become a candidate for various places and is indeed one whom the office has always sought. In 1881 he was elected to the Legislature and his course there made his reputation as a wise, able and conscientious public servant. For four years, from 1893 to 1897,

he was President of the Council, the upper house of the St. Louis municipal Legislature, and the rare good judgment, absolute honesty and dignity which he brought to bear as presiding officer greatly elevated that body in the minds of the people. Were more men like Charles Nagel members of municipal Legislatures the people would regard them with much more respect than they do. He is a staunch Republican and labors actively in his party's behalf, and though partisan rancor is generally capable of charging anything, it has never charged aught against the rigid integrity, conscientiousness or honesty of purpose of Charles Nagel.

Mr. Nagel is sincerely interested in the cause of education and since 1885 has been a lecturer at the St. Louis Law School. He is likewise a Trustee of Washington University and a member of the Board of Control of the St. Louis Museum of Fine Arts. A man of his learning and capacity reflects honor on any organization, and he is a member of a number of societies, etc., among them being the six leading clubs of the metropolis.

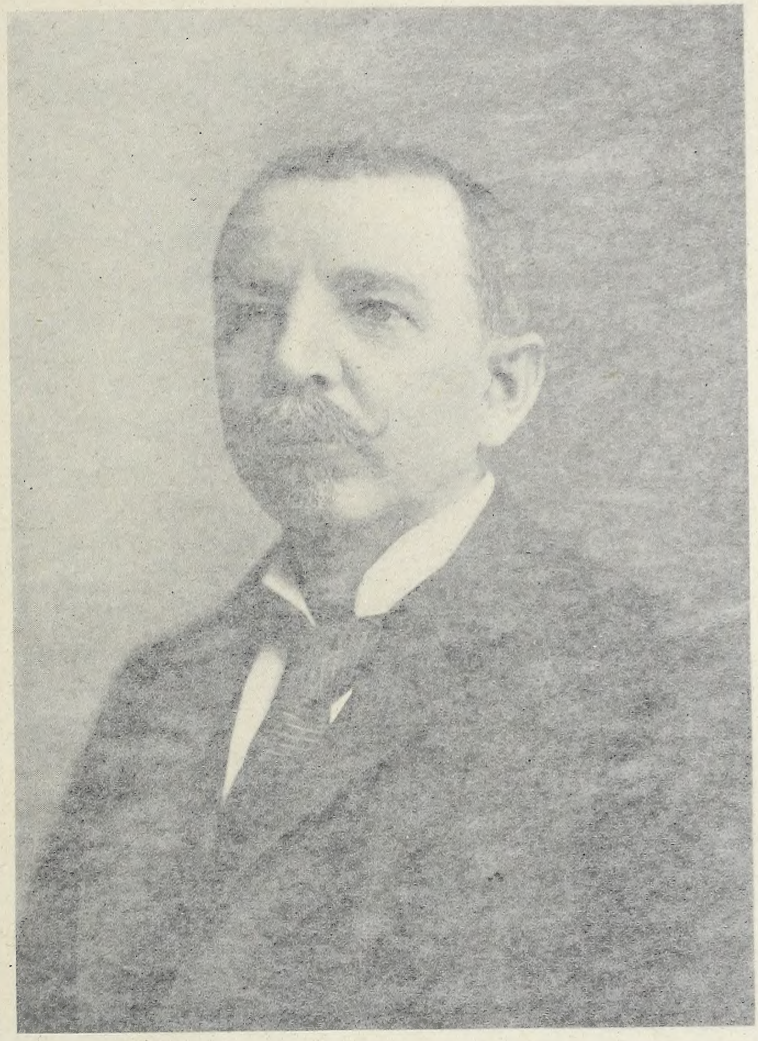
Mr. Nagel is a gentleman of splendid native ability, which has been supplemented by a complete education. He is a student, an investigator and thinker and a man of high ideals. He is a lover of the fine arts, and one of the most discriminating connoisseurs in the West. His home with its rare pictures, its statues and its books bespeaks the refinement and culture of the owner and is said to be one of the most artistic and beautiful homes anywhere. Though a student of books he is likewise a man of the world, has traveled extensively and had much contact with his kind. He is a believer in the humanities of life and a striver for those finer and higher things which broaden and elevate the man. Of him it may be said truly that he is a scholar and a gentleman, and one whose friendship is a rare delight and pleasure.

CHARLES McCLUNG NAPTON,

SAINT LOUIS.

CHARLES McCLUNG NAPTON, of St. Louis, is a lawyer born and bred. The grandson of a Supreme Court Judge and the son of a Supreme Court Judge who was one of the most learned lawyers Missouri ever produced, his bent toward the law was altogether natural, being derived from both branches of his family tree. His father, Judge William B. Napton, married Malinda Williams, daughter of Chancellor Thomas L. Williams, for many years one of the Supreme Judges of Tennessee, and thus it was that their son, the subject of this sketch, was doubly endowed with every legal tendency heredity may bestow.

Charles McClung Napton was born at Elk Hill, Saline County, Missouri, the country place of his father. After receiving a common school training he entered St. Louis High School and from there went to Westminister College, at Fulton. Completing the prescribed course of that institution, his father, who was a graduate of Princeton and appreciative of the value of a finished education, determined that his son should be accorded every advantage, and therefore sent him to the University of Virginia. In 1869 he completed his studies at this celebrated seat of learning and returned to his home in Saline County. It had been intended that Charles should adopt the bar from the first, and therefore after his return home he devoted the next two years to the study of law, although during that period he taught his four younger brothers and prepared them for college. His legal pre-



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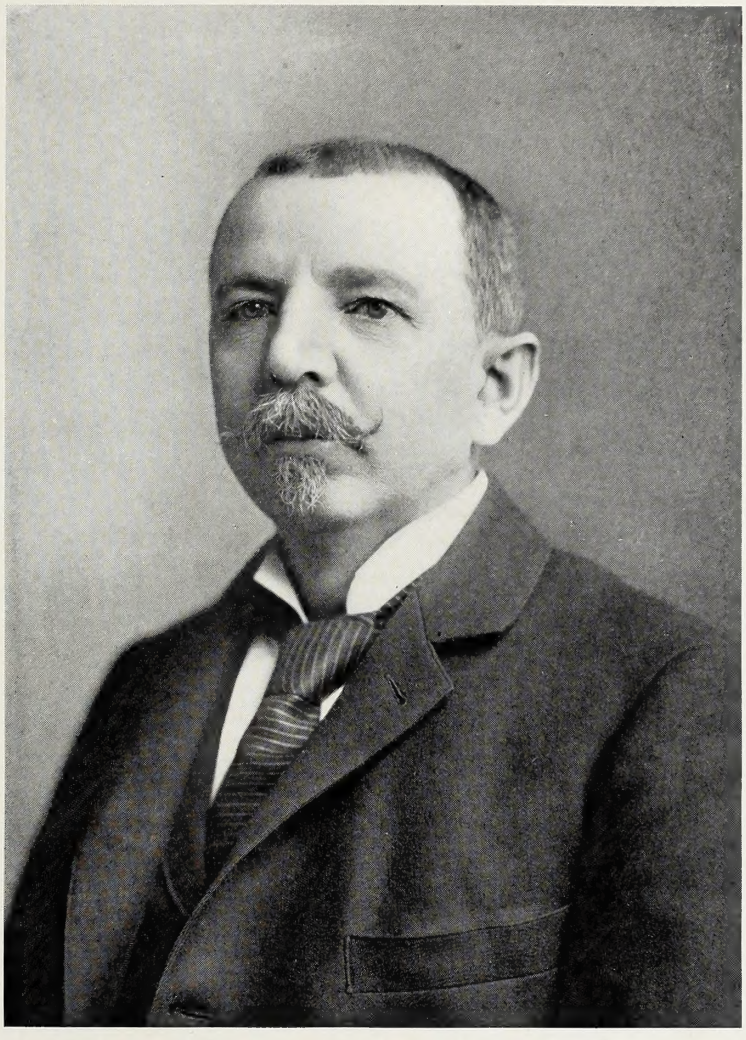
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C. W. Mapstead.

ceptors were Col. Samuel Boyd, Judge Strother and Lewis W. Miller. He was admitted to the bar in 1871 and immediately came to St. Louis, where he had lived as a boy.

Establishing himself in St. Louis in 1871, that city has since been the scene of his labors, and he has earned a reputation for wisdom and resourcefulness as a practitioner which he is certain to add to yearly. He is gifted with that indispensable capital in the law — a judicial mind, wherewith he readily arrays the contending facts of a case against each other, giving each fact its proper place and due weight. He is a close reasoner, is forceful in argument, and oftentimes eloquent as a pleader. He engages solely in general civil practice, and is especially conversant with that extensive and intricate department of law which pertains to corporations, having been for four years Assistant Attorney of the St. Louis & San Francisco Railroad. He is a close and industrious student of economical questions also, and is at this time President of the Western Economic Association, a society one of whose purposes is the collection and diffusion of useful information on economic subjects. It was through its efforts that the statistics relating to farm mortgages were incorporated in the census of 1890. Mr. Napton is unmarried.

JOHN WILLOCK NOBLE,

SAINT LOUIS.

JOHN WILLOCK NOBLE was born at Lancaster, Ohio, October 26, 1831. His father was Col. John Noble, who was born in Lancaster County, Pennsylvania, and was a man of much distinction in Ohio, having had a military training and being of a most gallant and energetic character. The mother was Catharine McDill, born on Antietam Creek, Maryland, near Hagerstown, and married at Lancaster, Ohio. The subject of this sketch received his education first in the common schools at Cincinnati, Ohio, and afterwards at Miami University, Ohio, and at Yale College. He left Miami at the end of the junior year, and entered Yale at the beginning of the junior year, and graduated at the latter in the class of 1851, with honor, and before he was twenty years of age. He early displayed a talent for speaking and composition; took a class prize at Yale the first year he was there, and was elected by his class one of the editors of the Yale literary magazine.

Returning home he studied law in the office of Henry Stanbery, afterward Attorney General of the United States, and of his brother, Henry C. Noble, at Columbus, Ohio. He was admitted to the bar there in 1853, and afterward removed to St. Louis, Missouri, where he was admitted in 1855. But finding his social relations unpleasant and because of the existence of negro slavery and the dullness of business, he removed to Keokuk, Iowa, in 1856, and there soon formed a co-partnership with Ralph P. Lowe, who was afterward Governor of that State. From the time he arrived in Keokuk throughout his professional life, he has had about all the law business he could do, and his practice has embraced cases of almost every variety and has been highly remunerative. In Iowa he was at the same bar with Samuel F. Miller, afterward Justice of the United States Supreme Court; George W. McCrary, afterward Secretary of War, and John F. Dillon, afterward Judge of the United States Circuit Court, and he had at the age of thirty an excellent standing in all the State Courts and in the Federal Courts, and was busily engaged when the war came on.

His military career was a distinguished one. His first engagement was that known as the battle of Athens, Missouri. The Rebels were approaching that place under Martin

Green (a brother of James Green, United States Senator), with intent to invade Iowa, at the town of Croton, across the Des Moines River from Athens. Noble, although not yet enlisted, with a number of citizens from Keokuk hurried to the front and joined the Union forces under Col. David Moore, and was in the battle. The enemy was driven off with considerable loss. He then enlisted in the Third Iowa Cavalry, and was made First Lieutenant of Company C. Being very soon afterward appointed Regimental Adjutant, he devoted his study and labor to the duties of his place, and to the earnest and intelligent discharge of this duty the regiment owed very much of the soldierly appearance and efficiency in the field it exhibited throughout the war. He rose step by step from First Lieutenant to Colonel, and was brevetted Brigadier General "for distinguished and meritorious services in the field." The "Records of the Rebellion" contain many reports from his pen of the battles and expeditions in which his regiment, while under his command, was engaged, and always with merit and honor. He was in the battle of Pea Ridge, one of the most important and strongly contested fights in the West, lasting, as it did, three days. Afterwards he was at the siege and fall of Vicksburg and the second battle at Jackson. The regiment having re-enlisted and become a veteran regiment, was under his command in a number of engagements against Forest in Tennessee and Mississippi, and although the Federal Army had to retreat at Brice's Cross-roads, the Third Iowa Cavalry held the rear against the assaulting columns of the enemy for two nights and the intervening day, almost alone, and with severe loss of men and horses. He was also in the great cavalry campaign under Gen. James H. Wilson through Alabama and Georgia, the regiment doing excellent service and receiving great praise at the battles of Montevallo, Ebenezer Church and Selma. At Ebenezer Church the Third Iowa Cavalry and Colonel Noble took their revenge on Forest, by not only breaking and capturing his line, but chasing the Rebel chief in hot haste quite into Selma, where Forest surrendered his troops and munitions next day, but himself fled on down the river in a canoe. He was at the head of his regiment in the night attack made by General Wilson on the works at Columbus, Georgia, where after severe fighting the Confederate force was captured and Columbus occupied. For its services in this battle and because of its excellent discipline, Colonel Noble and his regiment were put in command of the city during the stay of the army there. He had many hair-breadth escapes during the war, the most noted being at Montevallo, where, when charging at the head of his regiment, a rifle ball struck him on the plate of his sabre belt with great force, and so as to pass nearly through it, raising the metal next his body in a conical lump.

Colonel Noble was greatly beloved by his command, and he has at all times reciprocated their strong attachment. Besides those in the war records, there is an excellent history of the regiment in Ingersoll's "Iowa in the Rebellion," and to these the limits of this article require we should be content to make reference. Noble was almost continuously with his regiment, but he served for a while under Gen. Samuel R. Curtis, first as Judge Advocate General of the Army of the Southwest, and afterward as Judge Advocate of the Department of the Missouri. In this position he had to deal with many questions relating to guerilla warfare, military commissions and courts martial, which were novel and difficult.

The war over, he returned to Iowa only to find his business gone and a poor prospect to regain it, and so he removed to St. Louis. He now had a wife and child, having married Lizabeth Halsted at Northampton, Massachusetts, during the war, and he had to begin at the foot of the ladder again. It so turned out, however, that Henry Stanbery, then



John W. Noble.

Attorney General of the United States, needed a District Attorney at St. Louis, and hearing that he was residing there, had General Noble appointed to that place in 1867. The influences of the war were yet felt in that quarter, and there were many and serious infractions of the United States statutes by counterfeiters, and fraudulent manufacturers and dealers in alcoholic spirits and tobacco evading the internal revenue taxes. For three years he was a most energetic and successful prosecutor of these offenders, and fairly broke up the unlawful combinations that had before flourished. He not only proved himself capable of preparing his cases with legal accuracy, but was acknowledged to be an unusually eloquent advocate before the jury or the court. His services in this position were gracefully acknowledged in this regard by General Grant, who thanked him before his Cabinet "for the faithful manner in which he had performed the duties of his office." The President afterwards, also, tendered him the place of Solicitor General, but he requested permission to stay at his regular practice, where he was again meeting with success, and so declined the honor. From 1870 to 1888 he pursued his profession at St. Louis with great success, increasing his reputation as a lawyer and improving his fortune decidedly.

Among his professional triumphs during this period may be mentioned that at Santa Fe, New Mexico, in the case of Huntington vs. Moore & Mitchell, involving $300,000, and won in the United States Supreme Court; the Little Pittsburg mining case, at Denver, Colorado, tried before Justice Miller on circuit; in St. Louis, the case of Meyer & Co. vs. the St. Louis Fire Insurance Company, for loss of cotton at Jersey City, New Jersey, amounting to about $100,000, and involving difficult questions of law relating to fire and marine insurance; that of the National Bank of Commerce of New York vs. the National Bank of the State of Missouri, in which the verdict obtained for the plaintiff before a jury of the United States Circuit Court at St. Louis, was over $434,000; that of the Granby Mining Company vs. St. Louis & San Francisco Railroad Company, an injunction against the railroad company compelling the restoration of zinc mines of great value that had been seized by the railroad company; that of the City of St. Louis vs. the St. Louis Gas Light Company, a suit in equity, involving property of the company worth $3,000,000, and $1,000,000 in money, in which the company's case was completely won in the State Supreme Court after two adverse decisions below; and another case between the same parties in which there were collected $1,000,000 from the city. General Noble was also for a time one of the attorneys for Gibson in Gibson vs. Chouteau, a case that went five times through the Supreme Court of Missouri, three times through the United States Supreme Court, and was twice decided by the Secretary of the Interior. He also brought to a successful conclusion for his clients, the St. Louis Beef Canning Company, its litigation with Libby, McNeil & Libby relating to the patents for preserving canned meats, which reached the United States Supreme Court.

The records of the United States Supreme Court and of the State Supreme Court indicate that General Noble was not only an able advocate before the jury, but was capable of holding in the upper tribunals his verdicts obtained in the lower courts. His ability as an attorney and his marked individuality as a public spirited citizen gave him a national reputation, and in 1889 President Harrison appointed him Secretary of the Interior, a position for which his successful experience as a lawyer and his marked executive abilities especially fitted him. His administration of the duties of this responsible office were characterized by decision of character and a comprehensive knowledge of public affairs. He superintended the opening of Oklahoma Territory and its settlement, with so much regard for the

welfare of the people, that his name there is greatly respected. He gave earnest attention to the rights of settlers under the homestead laws, and brought the land office affairs, which had fallen almost hopelessly behind, up to current business. He defended the Eleventh Census, that was taken under his supervision, from the many hostile attacks made upon it. The pension laws were administered with fidelity, and he was instrumental in having great bodies of mountain and forest lands reserved, in order to preserve the sources of our streams from being impaired, and to secure for the irrigation of the arid regions a sufficient supply of water in the future. In his last message President Harrison paid a very marked tribute to the capacity and fidelity of the Secretary of the Interior, which has been generally acknowledged to be well deserved. In no period of its history has the business of that Department been larger or better administered.

Since 1893 General Noble has pursued the practice of his profession at St. Louis, and has already re-established himself at the bar, where he has been so well known for so many years.

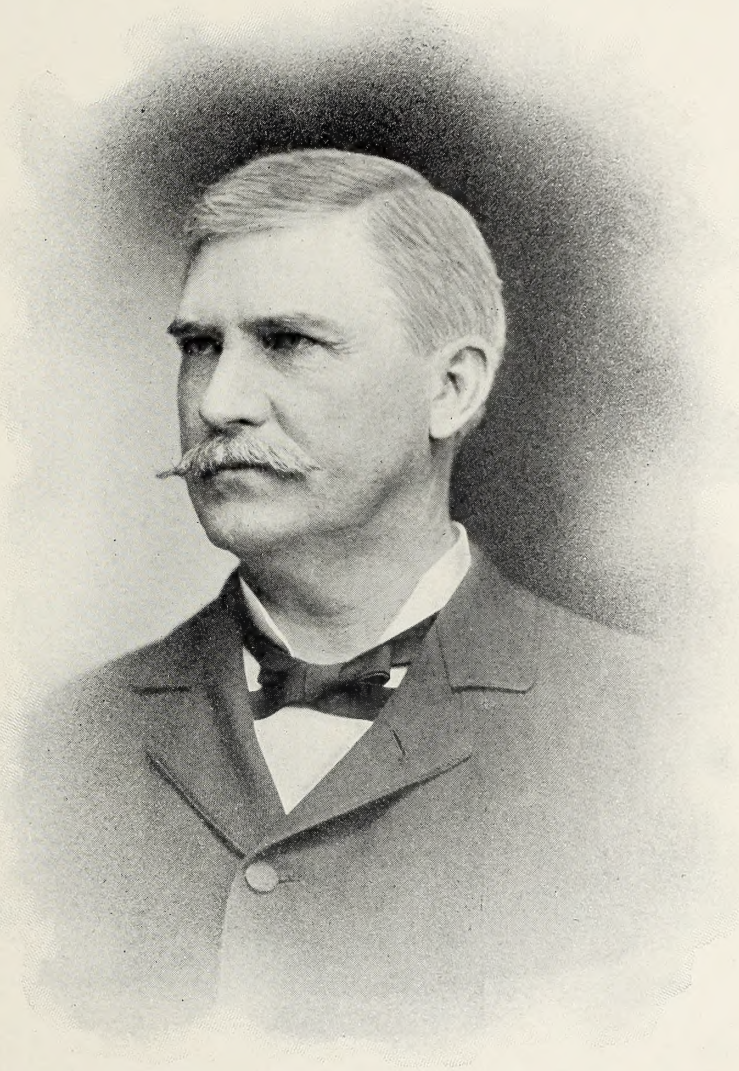
RICHARD HENRY NORTON,

TROY.

ALTHOUGH a native Missourian, Richard Henry Norton is a Kentuckian by descent. His father, Elias Norton, was born in Scott County, Indiana, but was a son of William Norton, who was a native of the Blue Grass State. The latter was of Irish blood, and removing from Kentucky to Scott County, Indiana, at an early day, became a citizen of standing and influence in his new home, where he served a number of years as Judge of the County Court. He was a cabinet maker by trade, but was also a farmer, as was nearly every one in that day. Mr. Norton's mother was Mary McConnell. She was born in Bourbon County, Kentucky, was of Scotch antecedents and came to Missouri in 1840, settling in Lincoln County, in which county Elias Norton also located three years later (1843), coming from his native place in Indiana. The father and mother were married at Troy, in Lincoln County, and of the three children born to them, Richard was the second.

The latter was born at Troy, on November 6, 1848, and in that town has spent his entire life. As will be seen from the above he started with the highest possible predisposition to succeed in life — being of Kentucky ancestry and of Scotch-Irish blood. As a boy he attended the common schools of Troy and then attended Westminster College, at Fulton, one year. From there he went to St. Louis University, in which he was a pupil six years, going from there to the St. Louis Law School, where he graduated in the class of 1870. The same year he was admitted to the bar at Troy, by Judge Gilchrist Porter, and immediately opening an office, has continued in practice there to the present day.

It is said that the boy who attempts a career in his native town has to reckon with the contempt which comes of familiarity; but our young lawyer displayed that ambition, vigor and brilliancy that soon opened the eyes of his old neighbors to the fact that here indeed was a young man of no common order. Hence he soon overcame the disability of always having been known by the people among whom he lived, and which is as unreasonable as it is universal, and as a consequence was soon enjoying a good practice. At the present time Mr. Norton is the head of the law firm of Norton, Avery & Young. Its practice is largely civil, and an idea of its standing in that section is conveyed when it is stated that



R. H. Hirten.

it appears in ninety per cent of the cases tried in the Circuit Court of Lincoln County. Mr. Norton is the attorney for both the Farmers and Mechanic's Bank and the People's Bank of Troy.

In 1888 Mr. Norton was elected to the Fifty-first Congress and was re-elected in 1890, representing the "Bloody Seventh," now the Ninth Congressional District, celebrated in the political annals of the State because of the enthusiastic interest of its people in political affairs and the numerous hot and prolonged contests that have been waged there. To be elected to Congress in the old Seventh, or its successor, the Ninth, one must have an unresisting firmness of character, high ability, courage and tenacity as a fighter. These attributes Mr. Norton has in an eminent degree, and his election twice to represent his people is a compliment with characteristics that do not usually attach to elections to the same body elsewhere. In Congress Mr. Norton served his district well, and as a legislator demonstrated his broad-gauge liberality and thorough grasp of public affairs. He was a Democrat up to the campaign of 1896, when being unable to agree with his party on the currency question, he acted with the National Democrats.

Besides his law practice, Mr. Norton is one of the most extensive farmers and producers of live stock in the State. He owns and operates a magnificent farm of 2,000 acres, fertile and finely improved, on the Mississippi River in Lincoln County, and when he is not in his law office in Troy, he can generally be found at his farm supervising its affairs. He lives in Troy and has a beautiful country home. There Mrs. Norton and her daughter entertain royally, and because of the hospitality and geniality of the owner and his family, every distinguished man who visits that section carries away with him as one of the most agreeable memories of Troy the kindliness and sociability of the Norton home.

On January 1, 1874, Mr. Norton was married to Miss Annie Ward, daughter of Dr. James A. Ward, a leading physician of Troy. Mr. and Mrs. Norton have one child, Mary Virginia Norton. She is as beautiful as accomplished, and is the pride of her parents.

Mr. Norton is a man of commanding figure, and has that presence which impresses one who is given to analysis of character, as a person of great reserve force. He is an easy, smooth and graceful speaker, and though not much given to rhetorical flourish, can present a proposition simply and forcibly. Though he is by no means lacking in self-confidence and self-possession in court or elsewhere, he is not so fond of the excitement that attends the actual trial of a case as are some other lawyers. Where his strength as a lawyer lies is in the preparation of the case for trial. He likes the library, and in working out and briefing an intricate legal proposition there is not in Northeast Missouri a lawyer more skillful than Richard H. Norton, of Troy.

JOHN O'DAY,

SPRINGFIELD.

IT may well be doubted whether any man has left a deeper impress on the professional, material and political affairs of contemporary Missouri than Col. John O'Day, of Springfield. For years he was closely identified with the great railroads of Missouri, and in promoting the construction of these lines which have contributed so largely to the development of the country, the value of his efforts to the State has been inestimable. For many years he was the most powerful political factor of the commonwealth, and in large measure

dictated the policy of the State, although never in his life has he held any other than an honorary political office. Of late years, having grown wealthy, he has retired to a large extent from the management of large business affairs and from politics, as he has always been above all else a lawyer, and when opportunity offered he devoted all his time to that profession, as a matter of choice.

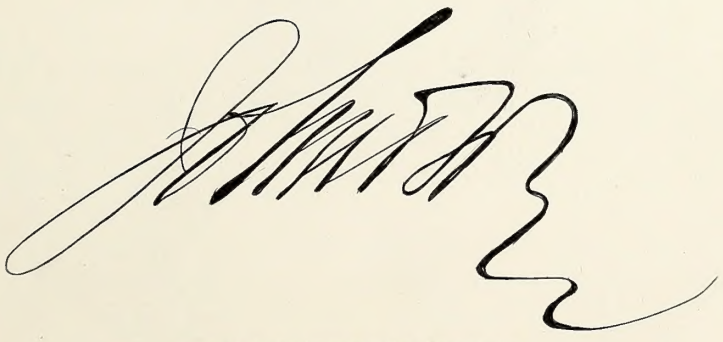
Col. John O'Day was born in Ireland, November 18, 1844, and is a son of John and Mary O'Day, by whom he was brought, when a child less than two years of age, to America, where settlement was made in Livingston County, New York. He was educated in the academy at Lime, New York, and afterward studied law with Judge Windsor and was admitted to practice in Juneau County, Wisconsin, his family having removed to that place. Subsequently they removed to Springfield, Missouri, where his father died at the advanced age of eighty-four years.

Colonel O'Day selected Springfield as his home soon after the close of our Civil War. At that time Springfield was a small village, containing not more than 2,000 inhabitants. Large and profitable litigation sprang out of the titles of real estate which had become unsettled during the war. Of this litigation Colonel O'Day had his full share. His ability as a thorough and astute lawyer was soon recognized and it was not long till his indomitable energy and devotion to the duties of his profession brought him the largest clientage and most lucrative business of any member of the Springfield bar. He was engaged in nearly every case of importance, both civil and criminal, in Greene and the surrounding counties.

When Colonel O'Day began practice there he was only twenty-two years of age, but his untiring industry, his marvelous physical and mental constitution, which never knew fatigue, and especially his brilliancy, soon compelled the recognition he sought. It was no unusual thing in those days for Colonel O'Day, when he was engaged in an important case to place sleep largely in abeyance, working sixteen to eighteen hours a day where other men were exhausted in ten, and to the fact that his magnificent and aspiring mentality was placed within a physical organization of the toughness of iron, is largely attributable his success. He had to compete with such men as Gov. John S. Phelps, Henry C. Young, Judge John Price, Judge John S. Waddill and C. B. McAfee, the latter being the only surviving member of the bar of those days, excepting Colonel O'Day.

As time passed, although his practice increased, such was his energy and capacity for business, that he gradually became interested in the development of this imperial State, and was soon concerned in the organization and construction of railroads. Missouri owes him much in that connection, for he has probably done more than any other one man in the creation of the great systems which have contributed so largely toward making Missouri what it is — the fifth commonwealth of the Union. His work in this line was begun as early as 1868, when he became interested with Andrew Pierce and A. C. Kingsland of Boston, and Gen. John C. Fremont, and was largely instrumental in urging the construction of the old South Pacific Railroad from Rolla, Missouri, westward. He continued his connection with the old South Pacific, the Atlantic & Pacific, and its present successor, the St. Louis & San Francisco, up to 1890, filling the position at first of General Attorney and then Vice-President and Manager of the Western divisions. He was President of the Springfield & Southern, the Springfield & Northern, the St. Louis, Salem & Little Rock, the St. Louis, Wichita & Western, and the St. Louis, Arkansas & Texas Railways, at different times. These lines extended from Missouri into Arkansas, Kansas, Indian Territory and Texas.





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Colonel O'Day is one of the best known Masons of the State. He has been a member of the order since 1866; is a Royal Arch Mason, a member of Kansas City Shrine and is a thirty-third degree adept. For many years Colonel O'Day was the recognized leader of the Missouri Democracy, and under his management it was invincible. It was during the period of his administration as Chairman of the Democratic State Committee that Missouri gave the largest Democratic majorities in her history. He is a born leader of men and his whole career is testimony to his splendid genius as an organizer. Although for the past quarter of a century he has given invaluable service to his party and could have had any official place for the asking, he has steadfastly refused to accept any office whatever. He is a man of the most inflexible independence, and while kindly and genial in manner, his great forcefulness and virility are apparent in all his relations with his fellow-man. He is eloquent of speech and has that fluency and force of language and idea in even greater degree than is characteristic of the sons of the Emerald Isle. Whether before a jury or an audience, his method of expression is vigorous and strong, dealing largely in the simple, incisive and vigorous Anglo-Saxon element of the language, rather than the softer and more effeminate Latin and Greek derivatives. Colonel O'Day is a gentleman of large wealth, and the highest evidence of his worth as a man is that he knows how to use it. He is generous and charitable, and with sympathies most sensitive to the misfortunes of his fellow-man.

LEO RASSIEUR,

SAINT LOUIS.

NO class of citizens have contributed more to the advancement of St. Louis than those of German blood. In fact, no city in the Union of its size is more distinctively German than St. Louis. Of such origin, there is none more conspicuous, both because of his commanding ability, and an Americanism more intense and wide than that of many to the manner born, than Judge Leo Rassieur, lawyer and soldier.

Judge Rassieur was born April 19, 1844, at Wadern, near the city of Treves, Prussia. His father was Theodore and his mother Margaret Rassieur. The latter's family name was Klauck, and her son suffered the irreparable loss of her love and motherly care when he was still a tender child of four years, Mrs. Rassieur dying in 1848. Three years subsequent to this (to the family) sorrowful event, the father decided to come to America. Leo came with him, being then seven years of age, and in 1851 the father and son took up their residence in the city that has since been the home of the latter. It was there he received his education, first attending the common schools of the city and then entering the Central High School, whence he graduated in June, 1861.

Shortly prior to the last named event, the Civil War began. It may be noted that this great conflict befell at a most critical time in the lives of nearly all the men whose histories are written in this volume; at a period in their lives, in fact, when they were just entering upon the threshold of manhood, when they had completed their education and were in that unsettled and formative stage where they were contemplating the choice of a vocation and making preparations to enter upon the serious duties of life. On all of them it undoubtedly had a deep and lasting effect. There are few whose characters the dangers and hardships of war did not develop and strengthen, and without its influence their lives would certainly not have followed the direction they severally did take. On none was its effect more pro-

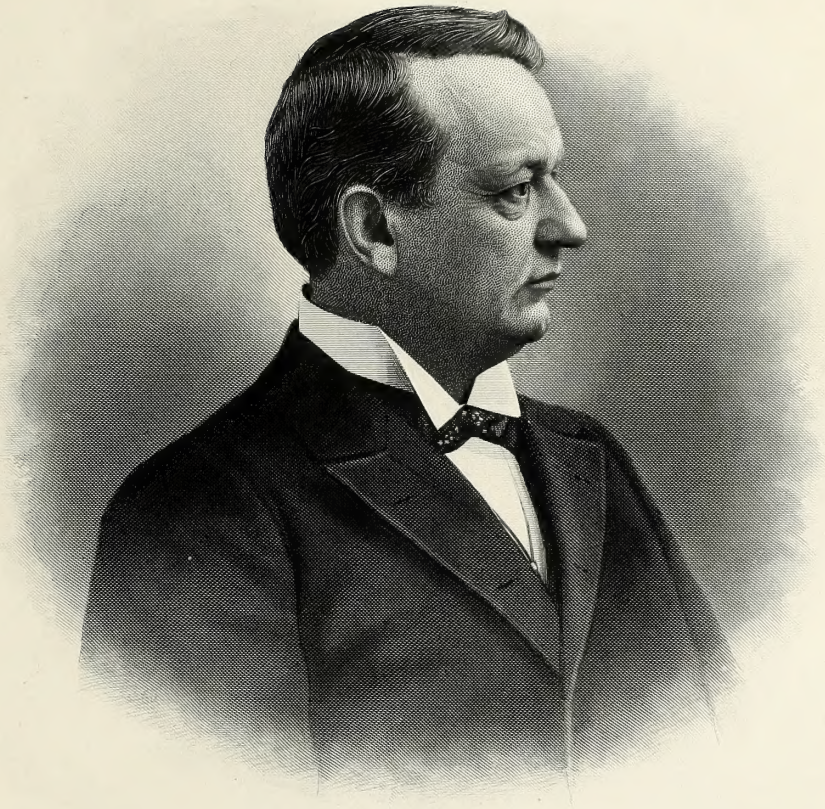
After leaving college, the young lawyer was admitted to the bar at Lawrenceville, Brunswick County, Virginia, in 1870. During the same year he was given his first experience in official position, acting for a brief period as Prosecuting Attorney of Brunswick County, owing his position to a special appointment by the court under the operation of a law then in force. Afterwards he formed his first legal partnership, his associate being no less a person than the Hon. Charles T. O'Ferrall, afterward Governor of Virginia.

In 1872 he located in New York City. He there made a most promising beginning, but spurred by impatience as he contemplated the length of time it would require to make his talents known, and being convinced that the great West, where the rapid march of events quickly brings merit to the top, was the proper field of his activity, he was accordingly found in 1874 located at Marion, Kansas. His expectations found the beginning of their realization in a year after he settled in his new home. He was first elected City Attorney of Marion, and after that County Attorney. He served nine consecutive years in these two positions. In 1884, ten years after coming to Marion, he moved away from there and located at Wichita, Kansas. Wichita then gave every promise of becoming a great city, the metropolis of the Southwest. It was just the place for the aspiring and ambitious man, and that Judge Reed made a fortunate move in locating there was shown in 1888 when he was elected Judge of the Eighteenth Judicial District, then by long odds the most important district in the State.

On the bench of this court he made his record as an able jurist, a fearless judge and a learned lawyer. He occupied the office for eight years, being elected as his own successor in 1892 and was nominated again in 1895, but owing to his determination to locate in Kansas City was constrained to decline. During his incumbency of the bench, Wichita passed through her phenomenal boom. The docket of the court was crowded with litigation, involving every bearing of the municipal law. Some of these cases were of highest importance and all were disposed of with a wisdom which indicated in the court a deep insight into the mysteries of the law.

In 1896 Judge Reed decided to remove to Kansas City, and on making public his determination to leave Wichita, the news was received with marked regret both by the bar and prominent citizens of that town. These sentiments were voiced in the press, and from a lengthy review of his career published in the Wichita Eagle, a few extracts are here appended. The Eagle said in part: "His last term of court, which will be a busy one closes a career in this city, which while being brilliant in jurisprudence, has been also warm to the people, rigorously just when occasion demanded, and sympathetic and lenient when humanity, in the maelstrom of legal tangle and delay, put up a hand for help. * * * Eight years as a faithful public servant made him the unanimous choice of the Republican party for four years longer, which if his private interests did not prompt him to decline, would have been confirmed by a large majority of his constituents. The opinions of the retiring Judge during his laborious service in the District Court are a part of the American law and will be regarded as a bright page in judicial history."

Judge Reed's knowledge of technical and general points of law is most extensive. He is given to constant research and study, and no matter in what he may be interested nothing is too light or trivial to secure energetic attention. Being a man studious and earnest of purpose, it is no labor for him to delve to the very root of all subjects, actuated by the analytical turn of mind which is satisfied only with the First Cause. Full of the sentiment of his Southern home he is an orator of intensity and his chaste and elegant periods embel-



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lished by his gifts of voice and gesture are at times prose poems. Of magnificent and commanding stature, with a face clean shaven as a Roman Senator, Judge Reed is a notable figure in any assemblage. As a trial lawyer he enjoys a reputation far up in the class in which he is here associated.

While a resident of Wichita, Judge Reed was Dean of the Law Faculty of Garfield University from 1888 to 1891. He is a Mason of the highest standing, having taken the thirty-second degree. In 1897 Judge Reed located in St. Louis and beyond doubt will there make a record no less enviable than elsewhere.

Judge Reed first married Mary Williams, daughter of R. E. Williams, a distinguished Illinois lawyer residing at Bloomington. By reason of her descent from Revolutionary sires, Mrs. Reed became a leading member of the Society of the Daughters of the Revolution. She died March 25, 1894, leaving two children, named respectively Robert and Eliza. In April, 1897, the Judge again married, espousing Mrs. Julia A. Moffitt, of St. Louis, a social leader of that city.

GEORGE DELACHAUMETTE REYNOLDS,

SAINT LOUIS.

GEORGE D. REYNOLDS, one of the widely known and successful attorneys of the St. Louis bar, was born at Gettysburg, Pennsylvania, December 16, 1841, and is the son of Rev. William Morton Reynolds, D.D., and Anna Maria (Swan) Reynolds. The father died at Harlem, Illinois, in September, 1867, while the mother is still living and is a resident of Springfield, Illinois. Dr. Reynolds was a noted educator and writer; he was one of the founders and first Professors of Pennsylvania College, at Gettysburg, and subsequently President of colleges at Columbus, Ohio, Allentown, Pennsylvania, and Springfield, Illinois. All of Mr. Reynolds' ancestors were of patriot blood, and all the men of the family who lived in those times served in the Colonial and Revolutionary Wars.

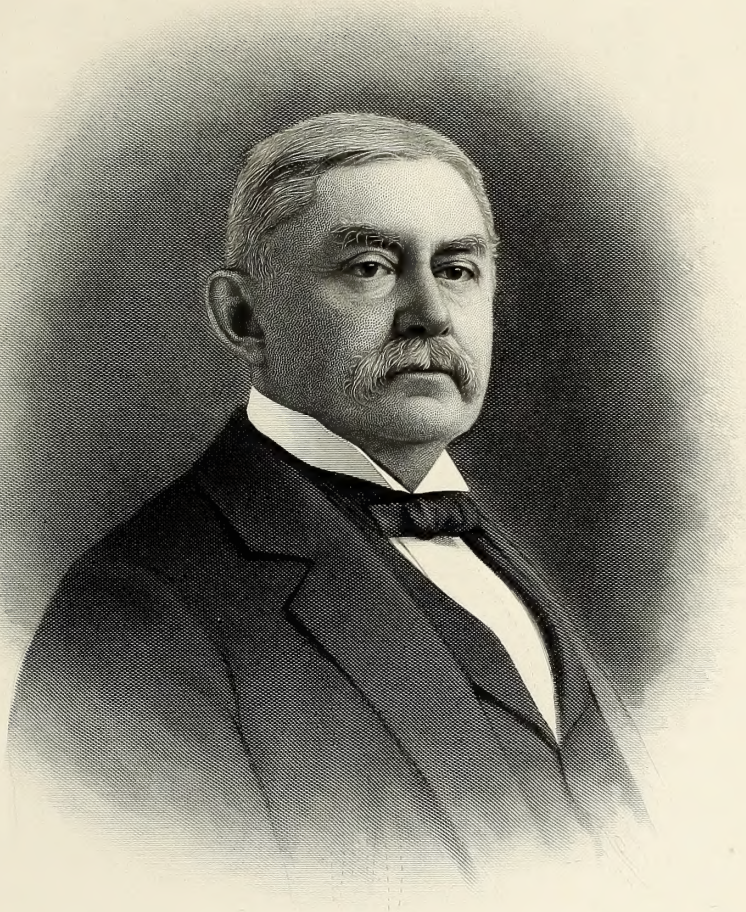
His parental grandfather, George Reynolds, was an officer in the War of the Revolution and at the beginning of that contest, although only eighteen years old, was a Captain in the Sussex County, New Jersey, militia. When the Continental Army was organized, he, in 1775, was commissioned Ensign in Capt. Archibald Shaw's company, Second Batallion, First Establishment of the New Jersey Continental Line. In 1776 he served as Ensign in Capt. Joseph Brearley's company, Second Batallion; then became Second Lieutenant in Luce's company, in 1777, and First Lieutenant in Lowrie's company, Shreve's Regiment, and resigning that office in 1778, was made Captain and Quartermaster on the reorganization of that department by General Greene, and served until the end of the long war. He was born in Warren County, New Jersey, October 13, 1757, and was the son of David Reynolds, who with his brother James, came to this country from Ireland in the first part of the Eighteenth Century, and settled in Pennsylvania, afterwards removing to New Jersey. The Revolutionary hero and veteran died at Hagerstown, Maryland, in 1821. His wife, Mary, daughter of Elias Delachaumette, was of Huguenot stock. The mother of Mr. Reynolds was the daughter of John E. and Maria (Smith) Swan. John E. Swan was a son of Mathew Swan, one of the early Scotch-Irish settlers and a pioneer merchant of Baltimore, Maryland. John E. Swan was, however, born in Adams (then York) County, Pennsylvania, and his wife, Maria, also born in that

county, was a daughter of Walter Smith, a son of Robert Smith, who married Elizabeth, daughter of Walter Buchanan, both the Buchanans and Smiths being among the very earliest of the Scotch-Irish settlers of that county. The family home of the Buchanans and Smiths was part of the "Carroll Tract," lying near Gettysburg, and Walter Smith was one of the founders of that burg, opening a store there about 1789, eleven years before it became the county seat. John E. Swan was a soldier in Colonel Richardson's Maryland Regiment in the war of 1812, and his father, Mathew, was a soldier in the Revolutionary War, being a Lieutenant and Quartermaster in the First Pennsylvania "Flying Camp" of the Continental Army.

The subject of this biography was educated principally at Springfield, Illinois, to which place his parents removed from Pennsylvania. After his elementary education was completed, he entered Illinois State University, whence he graduated in 1861, just subsequent to the breaking out of the Rebellion. Fired with patriotic zeal, he placed all his plans formed for the future in abeyance, and in the year following his graduation enlisted as a private in "K" Battery, Second Illinois Light Artillery. For a few months prior to his enlistment he acted as clerk for ex-Gov. John Wood, the famous Quartermaster General of Illinois, and assisted in the arming and equipment of the first three-months volunteers from that State. Subsequent to his enlistment, he was made Sergeant-Major of the regiment, and for nearly two years, and all through the campaigns which ended at Vicksburg and Chattanooga, he was on duty at General Grant's headquarters, with W. L. Duff, the Lieutenant-Colonel of his regiment, who was Chief of Artillery on General Grant's staff. He served throughout with the army and in the Department of the Tennessee. That he bore his part as a soldier no less valiantly and honorably than he has since discharged the duties of a citizen, is attested by the fact that he was mustered out of the service at the close of the war with the rank of Lieutenant-Colonel of Volunteers.

After leaving the service he returned to his home in Illinois, and in conformity with long cherished plans, resumed his study of the law. He went to Quincy, where he entered the law office of Browning & Bushnell as a clerk and student, supporting himself by his labors as clerk. This was in 1866, and in the next year, owing to his exceptional diligence and industry, no less than to his previous training, he passed his examination at Hannibal, Missouri, before the Hon. W. P. Harrison, and was admitted to practice, intending to locate there. Accidentally hearing of the advantages then offered by that place, and with the energy which is characteristic of him, he in October, 1867, went to Potosi, Missouri, and settling there, at once began practice, an entire stranger in that locality and with no capital but his brains and education. He at first formed a partnership with Moses Conger, and afterwards with William S. Relfe. In 1871 he came to St. Louis, maintaining his partnership with Mr. Relfe, however, the latter representing the Potosi end of the business. In the fall of 1874 Mr. Reynolds removed to Boulder, Colorado, where he formed a partnership with Hon. William E. Beck, which was terminated by the latter's election, firs to the District and then to the Supreme Court of that State. In 1877 Mr. Reynolds returned to St. Louis and resumed practice there, first with Mr. R. Graham Frost for about a year, and then with Mr. James Carr. At the end of two years this partnership was dissolved, and that with Mr. Relfe resumed, which continued until the latter's removal to Seattle, Washington, where he died May 17, 1896.

Mr. Reynolds has earned many honors, all of them in the line of his profession, however, as he is too true a lawyer to accept any honor or office that would interfere with his



Geo. D. Reynolds.

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devotion to that line of work. These honors date almost from the beginning of his career as a lawyer. In 1869 he was Circuit Attorney of the old Fifteenth Judicial Circuit, and in this capacity he served until 1871, when he resigned to remove to St. Louis. In May, 1889, he was appointed by President Harrison United States Attorney for the Eastern District of Missouri, which office he held until April, 1894, discharging its heavy responsibilities with an energy and ability that added greatly to his reputation as a brilliant and resourceful lawyer. Since his retirement from that office, he has engaged in a successful practice in St. Louis, and is one of the regular Masters-in-Chancery of the United States Circuit Court.

Mr. Reynolds is prominent in the societies of the veterans of the late war, is a member of the Loyal Legion and of the G. A. R. He has twice been elected Commander of General Lyon Post, No. 2, but is now a member of Logan Post. He is a Mason, having been one since 1865; is a member of the Episcopal Church and a vestryman. While not a politician in the machine sense of that word, he has always taken an active part in State and National campaigns, and is one of the efficient speakers of his party in the State, distinguished for the clearness and force of his argument.

As a lawyer, Mr. Reynolds is noted for his thorough knowledge of constitutional law, the laws bearing on insurance, the National statutes, and the practice of the Federal Courts. He has, however, studied deeply the principles of general law, and in any case of an involved and complicated nature, his accomplishments and learning make of him an advocate to be sought and an opponent to be dreaded. He is one of the most accurate pleaders at the bar, terse and vigorous in expression, and his briefs for the appellate courts are especially forceful. In the conduct of a case he is quick, resourceful and ready, armed with authorities on every important issue, never prolix and always holding the attention of court and jury.

While one of the attorneys of the Insurance Department in 1879, he revised and compiled the laws bearing on insurance, which are now a part of the statutes of this State, and which evidence a thorough understanding of that subject. While United States Attorney he also did an important work when he drafted and sustained in the United States Court the first bill in equity ever devised to cancel decrees of naturalization which had been fraudulently obtained from the State Courts. His work in this direction was especially referred to by President Harrison in his annual message to Congress in December, 1890, as "a new application of an old principle of equity practice." The amendment to the United States laws, passed in 1890, which for the first time excluded from the use of the mails newspapers containing lottery advertisements, was drafted by him, and passed into the statutes, word for word as he drew it. It was under this amendment that the notorious Louisiana Lottery was finally driven out of business in the United States.

Mr. Reynolds was married in 1876 to Miss Julia Vogdes, a native of St. Louis. To this union have been born three children, George Vogdes, James William and Julia. Mrs. Reynolds is a daughter of Augustus S. and Maria C. Vogdes. Her great grandfather, Jacob Vogdes, married Elizabeth Reynolds, a daughter of Capt. John Reynolds, an officer of artillery in the Continental Army, a coincidence of names, but of no known kinship to the family of which George D. Reynolds comes, although these Reynoldses were also of Pennsylvania origin. Jacob Vogdes owned one of the farms on which were located the ever-memorable camp of Valley Forge. His father was one of the original German settlers of Philadelphia, Pennsylvania.

MATTHEW GIVENS REYNOLDS,

SAINT LOUIS.

THERE must be something especially inspiriting and invigorating in the air of Pike County, for it has produced many men of stalwart character and intellect and has been especially prolific in able lawyers. Many of the latter have established themselves in St. Louis, and of her younger sons she reckons Matthew Givens Reynolds among those of whom she is most proud. He was born at Bowling Green, the seat of her local government, on November 19, 1854, and is the son of Dr. Stephen J. and Sophronia (Givens) Reynolds. Dr. Reynolds was born in Kentucky, but came to this State to meet and marry Sophronia Givens, a native daughter of Missouri. Mr. Reynolds' paternal grandfather was Dr. Michael Reynolds, a surgeon of the British navy. Coming to America with the British marines during the War of 1812, he was so impressed with the country that he determined to become one of its residents. He accordingly resigned his commission, settled his affairs and located in Kentucky.

His grandson, our subject, seems to have inherited from his grandfather his predilection for a naval career, for when fifteen years of age he was entered as a cadet at the United States Naval Academy at Annapolis, Maryland. His life prior to going to Annapolis was spent in his native town, where he attended the common schools. After passing through the regular regime of the Naval Academy he graduated in 1874, taking the prize as the best executive officer of his class. The United States frigate "Plymouth" was the vessel on which he saw his first regular service, and from which he was detached in 1875 to become one of the cadets of the United States flagship "Tennessee," aboard of which he made a trip to China. Returning to America in 1876, he was promoted to Ensign, and his commission dated July, 1875. His transferrence to United States frigate "Wyoming" followed this and on this vessel he served until convinced that he was better adapted to civil life, he resigned his commission in 1877 and returned to his home in Bowling Green.

Celerity and decisiveness were always marked traits of Mr. Reynolds' character, and therefore when he reached home it was to carry into effect his preconceived determination to adopt the law as a profession. He began his readings in the office of Robinson & Smith at Bowling Green and completed his education by one term at the St. Louis Law School. He was admitted to the bar in 1878 by Judge Gilchrist Porter and began practice at Bowling Green. At the end of a year he removed to Louisiana, Missouri, and became a member of the firm of Fagg, Reynolds & Fagg. In 1882 Judge Fagg removed to St. Louis and the firm became Reynolds & Fagg, continuing as such until 1883, when it was dissolved, Mr. Reynolds associating himself with William H. Biggs. Desiring to enlarge the field of his opportunities, he removed in 1886 to St. Louis.

In 1878 Mr. Reynolds was induced to become a candidate for Prosecuting Attorney of Pike County on the Republican ticket. Hon. David A. Ball was his opponent, and as the county is largely Democratic, he was defeated, but in 1880 he received the Republican nomination for the Legislature for the Eastern District of Pike County, and was elected to the Thirty-first General Assembly by eighty votes, thus becoming the first Republican elected in that county since 1866. This was a splendid attestation of his popularity and his subsequent course in the Legislature fully met the expectation of his friends and the confidence his fellow-citizens had given him. He served on the Judiciary Committee that session, was one of the leaders of the House and one of the readiest and most forcible debaters of that



Matt. G. Reynolds

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body. He was one of the State's delegates in 1884 to the National Republican Convention which nominated James G. Blaine at Chicago, and in the same year was a candidate for Congress in the Seventh District. He ran against the Hon. John E. Hutton and although he was not elected, he succeeded in reducing the Democratic majority from 2,727 in 1882 to 1,266 in 1884. He has always manifested an active interest in public and political affairs and is an ardent Republican. For two years he was President of the Missouri League of Republican Clubs and in that office did much to advance the cause of his party in this State.

In 1891 President Harrison appointed him United States Attorney for the Court of Private Land Claims, a tribunal specially constituted for the determination of titles to lands claimed under grants from the Spanish and Mexican governments in the western and southwestern States and Territories which, during the last half century, passed from the dominion of Mexico to the United States. Undertaking the protection of the Government's interests in this peculiar class of litigation which presented almost an hitherto unexplored legal labyrinth, by reason of the absence of recorded judicial precedents and because of the constant and rapid changes in the dominant government exercising control over the territory until its cession to the United States, the millions of acres of land in this section restored to the public domain, and freed from individual claim of title thereto, attest the success of Mr. Reynolds' efforts and his professional ability better than could the pen of a biographer. Although always an active and loyal Republican, and appointed as such, his professional merits were appreciated by President Cleveland as superior to the claims of partisan followers and he was reappointed to the same position, in which he is still retained by President McKinley. The most important achievement of Mr. Reynolds during his incumbency in this office was the successful preparation and presentation of the Government's defense to the famous Peralta Claim for 12,000,000 acres of land in New Mexico and Arizona, conservatively valued at $75,000,000 and officially known as "La Baronia Arizonac," of which it has been said:

"Whether considered with regard to the magnitude of the interests involved, the length of time the case has been maturing for trial, the quantity and quality of the evidence offered by both sides, the standing of the lawyers and capitalists who from time to time have been interested in the case, the amount of money put at the disposal of the claimant to bring out the salient points of his case, the audacity which it is claimed forgeries have been committed and evidence has been manufactured as needed, the boldness with which the claimant asserted his title, the Peralta Claim stands pre-eminent as one of the most notable legal struggles of the kind that ever took place in a court room."

Following the rejection of the claim was the criminal prosecution of the claimant, James Addison Peralta-Reavis, by Mr. Reynolds as special counsel for the Government, in the District Court of New Mexico on the charge of conspiracy, and the subsequent conviction and imprisonment in the penitentiary at Santa Fe of Mr. Reavis, or Peralta-Reavis, as he was fond of calling himself, where he is still incarcerated, marked the final vindication of the Government's fight against the combined influences of mighty men and much money.

In 1895 he was appointed by Attorney General Olney, and subsequently reappointed by Attorneys General Harmon and McKenna, special assistant to the Attorney General in cases appealed from the Court of Private Land Claims to the Supreme Court of the United States, and in the conduct of this litigation before that body he has won the confidence and respect of its members as well as added new professional triumphs to his

career. Among his professional brethren he is ranked as an excellent lawyer, careful and painstaking in the preparation of his cases, and a splendid advocate.

On November 11, 1880, Mr. Reynolds married Miss Mamie K. Fagg, daughter of his old law partner, Judge Thomas J. C. Fagg, formerly Judge of the Supreme Court of Missouri. Mr. and Mrs. Reynolds have seven children, named respectively: Stephen Clark, Florence, Alice, Mary, Matthew G., Jr., Robert Parker and Lucy Winn.

JOHN LEWIS ROBARDS,

HANNIBAL.

HIS father, Captain Archibald Sampson RoBards, was born December 25, 1797, in Mercer County, Kentucky. His grandfather, Captain George RoBards, born August 5, christened in the Church of England, August 31, 1760, in Goochland County, Virginia. Enlisted February, 1777, when sixteen years old, for three years in Captain Moses Hawkins' (killed at Brandywine) Company, Colonel Charles Lewis' Fourteenth Virginia Regiment Continental Regulars. Engaged (north of the Potomac) in the battles of Brandywine (was promoted Sergeant and transferred to Tenth Virginia Regiment), Germantown (wintered at Valley Forge), Monmouth and Stony Point; and when term ended was honorably discharged. He was, when nineteen years old, February, 1780, commissioned Lieutenant by Governor Thomas Jefferson, in Colonel Lucas' Fourth Virginia Regiment, State Line, engaged in the battle of Camden, was appointed Captain in August, 1781, served under General Lafayette in Virginia, and until the close of the war. He married, 1785, Elizabeth Barbara Sampson (daughter of Charles Sampson, son of Stephen Sampson, Senior, and granddaughter of Captain Thomas Porter, son of William Porter, Senior, and Elizabeth [Dutois] Porter, daughter of Peter Dutois and his wife Jeanne [DeBonnette] Dutois, French Huguenots who settled in about 1700 at Manikintown, Virginia.) They moved to Kentucky in 1791, where, in Mercer County, he died testator, 1833.

His great grandfather, William RoBards, Senior, was a wealthy planter of Goochland County, Virginia, his wife was Elizabeth Lewis (daughter of Joseph Lewis, Senior, testator, granddaughter of William Lewis, testator, 1708, and great granddaughter of John Lewis, from Wales, of Henrico County, Virginia, testator 1687). He had five sons, John RoBards, William RoBards, Junior, Lewis RoBards, George RoBards and Jesse RoBards, and two sons-in-law, John Jouett and William Buckner, soldiers in the Revolutionary War for the establishment of American Independence; five of whom were officers, viz: Ensign William RoBards, Junior, Captain Lewis RoBards, Captain George RoBards, Captain Jouett and Lieutenant Buckner. He was the grandfather of the gifted artist, Mathew H. Jouett and of Judge Richard A. Buckner, both of Kentucky, and ancestor of William RoBards, Attorney General of Missouri and United States Senator John B. Thompson of Kentucky; he died testator, 1783.

His great great grandfather, John RoBards, a colonist from Wales, 1710, was a planter in tidewater, Virginia, who married Sarah Hill and died testator, 1755.

The mother of John Lewis RoBards was Mrs. Amanda (Carpenter) RoBards, born in Lincoln County, Kentucky, 1807; her father was George Carpenter, born 1785, testator 1866, son of John Carpenter (and Elizabeth Spear, his wife), a Revolutionary soldier of Virginia, who founded Carpenter's Station about 1780 in Lincoln County, and her mother



Very Truly Yours
John L. McBarids

was Jane (Logan) Carpenter, daughter of General Hugh Logan (and Sarah Woods, his wife —vide Historic Families of Kentucky—The Logans, pages 117–203–4–5), who was a soldier in the Revolutionary War in General George Rogers Clark's command in the conquest of the Northwest Territory, etc., and State Senator from the Lincoln District, Kentucky, for several terms, born 1745 and died 1816, who was a son of David Logan and Jane Logan, his wife, of Augusta County, Virginia, a soldier in the French and Indian Wars; they had four sons, viz: General Benjamin Logan, General Hugh Logan, Colonel John Logan and Colonel Nathaniel Logan, distinguished officers in the Revolutionary War. (See Historic Families of Kentucky.)

His father, A. S. RoBards, was commissioned Captain in the Fifth Kentucky Regiment, by Governor Joseph Desha in 1825. In 1832 Captain A. S. RoBards and Miss Amanda Carpenter were married, and six children were born to them, in Kentucky, viz: George C. RoBards, Jane E., widow of Rev. Joseph K. Rogers, of Columbia, Missouri, for many years President of Christian College; Sarah H., formerly widow of Captain B. W. S. Bowen, widow of Rev. H. H. Haley; John L. RoBards, Henry Clay RoBards; and born in Missouri, Archy S. RoBards, Junior. He moved to Hannibal, Missouri, in May, 1843, bringing his family, slaves, etc., and was Mayor of Hannibal in 1846 and 1854. At his own expense Captain A. S. RoBards took a company of fifteen men, furnishing ample vehicles, stock, provisions, etc., to California in 1849, where in 1850 he gave freedom to his faithful slave, Green, being perhaps, the first slave emancipated in the Golden State. En route, at the Pimo Village, when the camp was surrounded by several hundred infuriated Indians, the invincible courage and wise strategy of Captain RoBards in that hour of extreme peril saved his company from massacre. He was endowed with intense energy, sagacious enterprise, sympathetic charity, and possessed the broadest, purest and most elevated Christian character, and was a splendid physical type of Kentucky manhood. His redeemed spirit ascended June 1, 1862, and his devoted wife, a cultivated and refined Christian woman, in the stainless robes of saintly righteousness joined her husband in the better land July, 1865.

George C. RoBards and Henry Clay RoBards enlisted in 1861 in the Confederate Army, and fought throughout the war for the right as they believed the right to be, and received in the service highly merited promotions. Of Captain George C. RoBards, a fellow officer wrote, "a braver and better soldier never wore the gray." He died in 1877.

Archy S. RoBards, Junior, a noble spirit, by accident met an untimely death at Columbia in 1879.

Captain H. Clay RoBards was a fearless soldier, a gifted, magnetic gentleman, without guile, very lovable, and in 1885 was gathered home in the mansion of the blessed. They all rest in the family vault on the crest of beautiful Mount Olivet Cemetery that overlooks Hannibal, the Mississippi River and the States of Missouri and Illinois for a score of miles.

John L. RoBards, born in Hustonville, Lincoln County, Kentucky, May 8, 1838, from early youth has been a persistent student. He accompanied his father to California in 1849, and is perhaps the youngest '49er in Missouri. He chose to be a soldier, and was preparing with enthusiasm for West Point under the favor of our Congressman, Hon. Gilchrist Porter, when his right eye was casually so impaired as to prohibit further pursuit in military lines, but a season of twelve round trips from St. Louis to New Orleans as Clerk on the steamer L. M. Kennett, Captain Bart Bowen, lessened that shock of disappointment. He then selected a different profession, was a diligent student for several years at the Missouri

University, then read law with Judge Gilchrist Porter of Hannibal, commencing at the foundation with the entire Bible as a text book. He graduated in the Law Department of Louisville University, Kentucky, in March, 1861.

At once he begun the practice of law at Hannibal, and on April 4, 1861, married Miss Sallie Crump Helm, a native of Bowling Green, Kentucky, and a graduate of Christian College, Columbia, Missouri, who inherits many talents and graces and is ever an inspiring helper of her husband in the study of general literature and the law.

Her father, Judge John B. Helm, formerly of Kentucky, was a son of Judge John Helm of that State, and a grandson of Captain Thomas Helm of the Revolutionary Virginia Continental line, who moved to Kentucky in 1780. Her mother, Mary A., nee Crump, was a native of Glasgow, Kentucky, and a daughter of Havilah Crump and Sallie (Perkins) Crump, his wife, who was a daughter of Joseph Perkins and Mary (Curd) Perkins, his wife, who was a daughter of Captain Edmund Curd, of the Virginia State line troops in the Revolutionary War, who was a son of Dr. Thomas S. Curd, emigrant from Scotland. They have three living children, viz: Mary Logan, who married E. A. Richardson, a leading wholesale clothier of Louisville, Kentucky, and has one child of great promise, Sara Ellen; Archy C. RoBards is a Mason, Knight Templar, Son of the American Revolution and United States Deputy Revenue Collector, and has a liberal education and unexceptionable business qualifications; and Miss Mabel Helm RoBards, a beautiful and accomplished light of the household. John L. RoBards as Secretary and Treasurer, has for twenty-five years labored successfully to establish Mount Olivet Cemetery, an incorporated benevolence drafted by him, the receipts being for perpetual care of the grounds. It is now the pride of Hannibal. He is a Mason, a Past Eminent Commander of Excalibar Commandery No. 5, Knights Templar, Hannibal, Mo.

His entire family are members of the Park Methodist Church South, he is also President of the Board of Church Trustees and a constant teacher of a Bible class in the Sunday School thereof. "His delight is in the law of the Lord, and in His law doth he meditate day and night."

He was a delegate to the Mississippi River Convention that met in Louisville, Kentucky, in 1868, and in Washington, D. C., in February, 1884.

For five years he was President of the Hannibal Bible Society, formed of ten Protestant Churches, auxiliary of the American Bible Society, and is a Director and Attorney of the Home for the Friendless.

He is a Jefferson Democrat and has never sought for office.

He takes great interest in the growth and prosperity of Hannibal, has aided largely in its development, is Vice-President of the Free Public Library, and is very proud of grand, imperial Missouri.

He is a Vice-President of the Missouri Society of the Sons of the American Revolution, and by request delivered addresses at several of the annual meetings in St. Louis, and was a delegate to the National Congress of the order held in Washington in 1894, also in Boston in 1895.

He was for several years a Vice President of the Missouri Bar Association. At the banquet of the Missouri Bar Association at Sweet Springs in 1887, by request, Mr. RoBards responded to the toast "The Judge." His effort elicited hearty encomium from many present, among them Judge James Lindley. The Hannibal Journal sought the address for publication, and editorially added: "The Sedalia Bazoo says it is the best speech of the

occasion; and from a careful perusal of it the Journal is inclined to the same opinion from the fact that it is a masterpiece of diction, logic and good sense. The principles advocated ought to be those of every person elevated to the bench in a court of justice. The Journal is proud of the address and its reception."

Colonel D. C. Allen, of Liberty, Missouri, wrote of the address: "The paper in its editorial notice did not say too much. It was carefully considered, exactly expressed, brilliantly worded, and full of the soundest practical thought."

Judge James S. Pirtle, of Louisville, Kentucky, in a letter wrote: "The lofty sentiments so handsomely expressed show that time has but served to strengthen and refine the character I have known you to possess since we were law students together in 1861. The ideal Judgeship you drew so beautifully has still some realizations and gives hope of the profession, but it is not to be denied that the position of the Judge and lawyer in the community is not as high as when we were ambitious boys. That we have personally done nothing to degrade the profession and all that we could to maintain its excellence is a source of gratification."

He has since he first begun the practice ever been a zealous student of law in the hope of partially

> "Mastering the lawless science of our laws,
> That codeless myriad of precedents,
> That wilderness of single instances."

He refused to take the infamous Drake iron clad oath on the grounds of its unconstitutionality when applied to the lawyers of Missouri.

A number of notable cases mark his success and professional triumph in the difficult and important questions of law in the legal arena. In the appellate courts few attorneys command so high a percentage of success. Among his legal victories are the following, viz: On the power of an administrator, Smarr vs. McMaster, admr., 35 Mo., 349; on statutory construction, Hewitt, Sheriff, etc., vs. Lally, 51 Mo., 93; on evidence, alteration of written instrument, forgery, etc., R. H. Stillwell, admr. of Amos J. Stillwell, vs. J. M. Patton, admr. of William Hubbard, 108 Mo., 352, the fruits of which judgment, beyond the money recovered, were to relieve the son, George Hubbard, of the disgrace and penalty of the alleged forgery, and to give John L. RoBards, plaintiff's lawyer, the gratitude of George Hubbard and his family; on equitable trust, Clayton vs. RoBards, 54 Mo. App., 539; on ejectment, evidence, equitable and legal title, etc., Hunt vs. Selleck, 118 Mo., 588; on mandamus to enforce a federal judgment, United States ex rel Harrison, vs. County Court of Marion County, et al., United States Circuit Court, 1894, Hannibal, Missouri; on husband and wife, curtesy initiate, RoBards vs. Murphy, 64 Mo. App., 90.

Colonel RoBards, as known to his friends, is a man of courtly, though commanding presence. With a genial disposition he unites a delicate sense of personal honor. His bearing is of that military type which is wont to challenge the attention of strangers. It is not in his nature to seek public position, and yet no citizen is more signally qualified for the higher honors of official station. Though hampered by the already mentioned misfortune to his vision he has never desisted from arduous application to professional toil. There is a strong pathos in his zealous and life-long devotion to the ethics of the law. He has been a close and constant student of legal science. No effort can surpass in tenacity or in fidelity his preparation of a brief, nor can any reverse impair his fortitude. His successes at the bar have proved illustrious as well as substantial. He enjoys a capacity

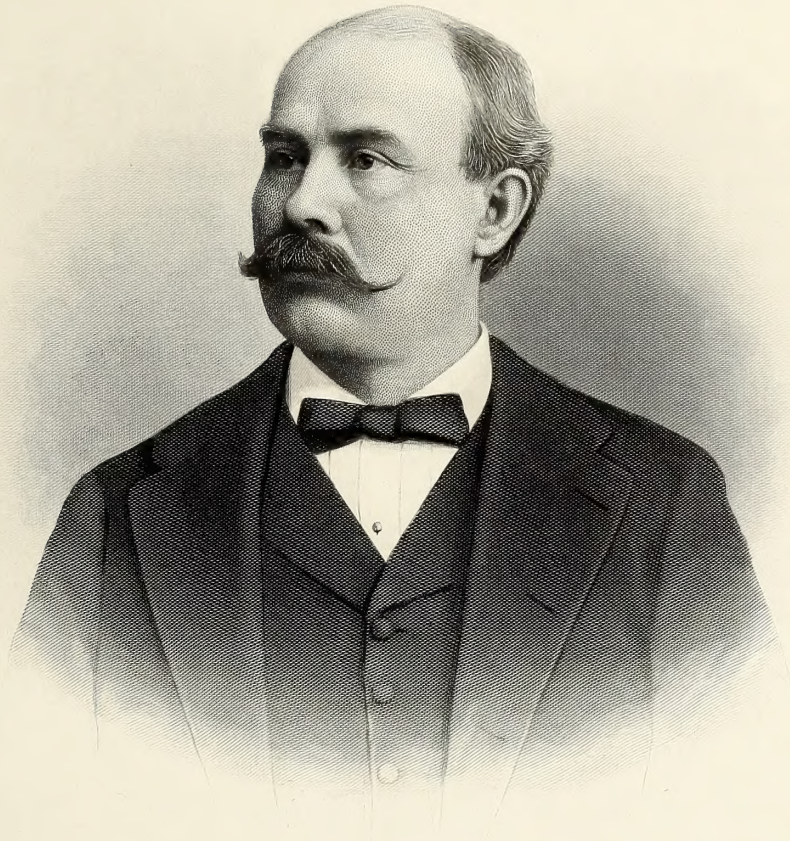
for infinite detail. No item escapes his vigilance. After so many years of busy employment he is never unready for account concerning any past transaction. Mount Olivet Cemetery, the principal adornment and the permanent pride of Hannibal, is his special work, as it will be his enduring memorial, and during a quarter of a century of noble effort in moments of intermission from professional cares he has wrought his benevolence to a standard of admirable excellence. The finest trait in his character is his singularly, lofty and unfaltering devotion to his wife, his children and his domestic fireside. Conformably he is found richly endowed with purity of thought as well as of action. Remembered as a boy with ruddy countenance and flaxen ringlets trailing on his shoulders, known as a man who has readily and triumphantly breasted the buffets of life, he will transmit to yet later days the untarnished inheritance of a good name and a distinguished record.

GEORGE ROBERTSON,

MEXICO.

GEORGE ROBERTSON, of Mexico, comes of Revolutionary ancestry, both branches of his house having located in this country while still a British possession. He is a natural born fighter, comes of a race of fighters, and perhaps, had warlike opportunity existed, his career would have taken a wholly different course to the direction it has taken. He is the son of James Register Robertson, who was born in Washington County, Tennessee, January 22, 1822. The latter's father was George Robertson, a native of North Carolina, born on the family estate near Guilford Court House. He was a soldier of the War of 1812, while his father, Joseph Robertson, great grandfather of our subject, and also a North Carolinian, was a soldier of the Revolution and participated in many of the hottest contests of that great war of liberation. Among the more important battles in which he fought, the two worthy of more especial mention are the battles of Cowpens and King's Mountain, as in the last named a great many patriots named Robertson were engaged—more, in fact, than soldiers of any other name. Many of Mr. Robertson's ancestors were also active in the organization of the Wautauga Republic, which was the first protest that assumed practical shape in America against the tyranny of Great Britain. The republic had been organized and its inhabitants were rebels against the authority of England some time before the Declaration of Independence was written. The Wautauga Republic afterward became the State of Tennessee, and for fuller information respecting it, as well as the prominent part played by the numerous Robertsons (all of whom were of the same line), in its institution, the reader is referred to "The Life of General James Robertson," and "Ramsey's Annals of Tennessee." Mr. Robertson's mother was Margaret Barkley, who was born in Greene County, Tennessee, December 25, 1836. Hers was an excellent family of the highest standing. Her father, John Barkley, was a prominent man and was for years High Sheriff of Greene County.

The suffering and danger undergone by the soldiers of 1812 was partially rewarded by land warrants. The one that fell to the Robertsons was located in Mahaska County, Iowa, but for many years subsequent to the birth of the republic, it lay too far away in the heart of the wilderness, to make its settlement desirable. This warrant was given to our subject's father by his father, and thus it befell that James R. Robertson, then recently married, removed to Iowa and began the improvement of the land given his forefathers by a



Geo. Robertson

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grateful country. It is not easy to make wild land quickly productive and the settler from Tennessee increased his income by teaching school while he carried on the improvement of the farm. There George Robertson was born, June 2, 1852. His childhood was spent on the farm and there he acquired in the public schools the rudiments of an education. In 1865 the family returned to Tennessee and after a short residence, came westward again, locating in Randolph County, Missouri, in 1867. There George's common school education, which had been continued in Tennessee, was completed. Next he entered Wood's Academy, at Moberly, and then the State Normal, at Kirksville, where after he took a partial course, he began teaching school as the means whereby he hoped to achieve his ambition of becoming a lawyer. He taught different Audrain County schools for four years and then entered the office of W. O. Forrist, at Mexico, to complete his law studies. He was admitted to the bar, at Mexico, in October, 1876, but did not begin practice until the following April, since which date he has been located continuously at Mexico and has followed his profession with ever growing success. He has never had a partner, preferring to practice alone.

Mr. Robertson has been accorded many honors at the hands of his people, and has discharged the public duties laid upon him always with the greatest fidelity and ability. He has served three terms as City Attorney of Mexico, having been elected in 1877, 1878 and 1880. From 1880 to 1884 he held the office of Public Administrator of Audrain County, and in 1885 was appointed Prosecuting Attorney of the county by Gov. John S. Marmaduke, to fill out an unexpired term. He has been a member of the Mexico School Board for six years and has contributed no small share toward making the public schools of that city the finest and most advanced in the State.

No man has contributed more to the material prosperity of his town than Mr. Robertson. In fact, he is one of the owners of "Woodlawn Place," one of the most beautiful additions to the City of Mexico. He was one of the organizers, is a director and has always acted as the attorney for the Mexico Building and Loan Association, one of the staunchest and most flourishing institutions of the kind in the State, and which has contributed greatly to the growth of Mexico. For a number of years he has been the attorney for both the Wabash and Chicago & Alton Railways.

Mr. Robertson is a Master Mason, a Royal Arch Mason, a Knight Templar and a member of the Mystic Shrine, belonging to the St. Louis lodge, which places him among the most adept of that fraternity in Missouri. Outside of his membership as a Shriner, he maintains a relationship to St. Louis professional and business men through his membership in the city's leading club — the Mercantile. In politics he has always affiliated with the Democracy, and in the disagreement in that party over the financial issue in 1896, he espoused the gold cause and at once assumed a position as a leader of that element in the State. He was one of the delegates-at-large from Missouri to the convention of the National Democrats, at Indianapolis, and was also a member of the National Democratic State Convention. Prior to that he served as a member of the Ninth District Democratic Congressional Committee.

As a lawyer, Mr. Robertson is considered one of the ablest of his profession in the State. His combativeness and love of contest stand him in good stead in the practice of law, and if a case of his is lost it will not be because he failed to make an energetic and able fight to win. Two interesting suits with which he was connected, were the case of Wade versus Ringo, and Thompson versus Bunton. The first was a matter involving a pat-

ent right and was of the first importance. Mr. Robertson appeared for Ringo, and won every decision, from the State Circuit to the United States Supreme Court. The decision in the last named case is of consequence because it put an end to a species of slavery in Missouri. Under the old vagrant law, Thompson had been arrested and convicted under this law, and was about to be sold by a constable named Bunton for a certain term of months. In the *habeas corpus* proceeding that followed, Mr. Robertson appeared as Thompson's attorney, and carrying the case up to the Supreme Court, secured a decision declaring that the law under which Thompson was condemned to sale was in conflict with the Constitution of the State and United States, prohibiting human slavery.

Mr. Robertson is of robust physique, square-shouldered and of frank and open countenance. The physiognomist would conclude rightly that there is nothing of the artful, crafty or designing in his nature. He is wholly open and manly in all his actions, and he is without pretense or hypocrisy. If he be the enemy of any man that man will know it, and conversely, if he is your friend, there is no room left to doubt the genuineness of that friendship. He is a person of great courage and high principle, and being such, subterfuge is something he scorns to employ. In appearance, he would be considered much younger than he really is. He has led a temperate, healthful life, and thus the years sit lightly on him.

A friend of Mr. Robertson gives the following estimate of his character: "The distinguishing characteristics of the life of George Robertson, like those of almost every man, can be couched in few words. Persistency, courage, justice — these are the ruling attributes of his character. In addition to the many virtues, such as energy, fidelity and generosity, which characterize the lives of all good citizens, he possesses these traits to such a degree that they dominate his life and mark the man. They are the resultant of two forces — natural temperament and environment. From childhood he has been possessed of a strong will, an aggressive disposition, and an ambition to succeed. The circumstances of his life have been such that he has had to make his way unaided and alone. The success which he coveted was of highest degree, and his struggle to accomplish it developed those great traits of tenacity of purpose, indomitable courage and love of justice, without which no success can be substantial or enduring. The fields of law and politics became attractive to him in early life, and have furnished a splendid arena for the development and display of his powers. While he is, perhaps, best known in his community as a successful practitioner of the law, he is at the same time a devout student of political philosophy and is deeply learned in the theory and history of government. This is his mental pleasure ground.

"There is no truer saying than that a man may be fairly judged by the character of the pleasure he seeks. Knowing as I do the nature of the books and associates to which this man turns in his leisure moments for pleasure and diversion, I have no hesitancy in saying that the ruling passion of his mind is the love of the study of government, which is little more than the science of justice. For a long time he has been a special student of the origin and history of our Federal Constitution, and has gone to the very sources of information on that subject. He is familiar with the conditions out of which the Constitution sprang, and the objects and motives which inspired the men who gave that instrument to the world. He appreciates to the fullest extent the meaning of American constitutional liberty. He knows the unseen foundations of our social fabric. The Constitution was the pole star in one of the critical periods of his career. When the Chicago platform of 1896

was adopted he felt constrained to sever his connection with the regular organization of the Democratic party, with its ties and affiliations, because he felt that instrument, in its last analysis and logical results, to be an attack upon constitutional government in this country. Democracy had been dear to him, not on account of its organization, but its principles, and when the time came to decide between the two, he did not hesitate to adhere to what he considered the true principles of the party. In the political arena, as at the bar, he defends his position with a directness and force that makes him dear to his friends and terrible to his enemies.''

On September 3, 1879, Mr. Robertson was married to Miss Laura Hiner, of Mexico, Missouri. To this marriage have been born five children, namely: Madge, sixteen; David H., fourteen; George T., eleven; Laura, eight; James Graham, six. Mrs. Robertson is the daughter of Capt. David A. Hiner, of Mexico, who for many years commanded steamboats on the Ohio and Mississippi Rivers and is still running the river in the Mississippi River trade. His father, whose name was also David Hiner, was a resident of Cincinnati and was one of the most influential river men of his day. He served both in the Mexican and Civil War, and in the last named conflict, piloted the ''A. C. Tyler'' in the fight at Pittsburg Landing. He was likewise pilot of the same boat in her battle with the ''Arkansas Ram'' at the mouth of the Yazoo River, when the ram was destroyed.

CLINTON ROWELL,

SAINT LOUIS.

THE life-history of Clinton Rowell is exceptional in its legal aspects, in that few have pursued their profession closer and few legal careers are less unbroken by extraneous or unrelated circumstances. The history of his legal practice is a story of gradual growth, of attainment through effort and of success earned by merit. Such has been his devotion to the law, that he has never permitted the alluring by-paths, the invitation to political honors or the promise of other rewards, to lead him far away from his mistress. ''Attention,'' which Dickens maintained was the key of his success, seems also to describe in one word the means by which Mr. Rowell has reached his present position. That attention has been concentrated on the law, and has reached results, to gain which any lawyer may well strive. He is of New England blood and birth, a type whose attributes have found their greatest expansion, their highest expression in the broad and invigorating West where the artificialities of civilization have not served to warp things from their natural intent and where the real and the true, not the false and meretricious, are measures of manhood. Of a race of men who realize the serious aspect of life, and believe that labor is not so much a curse descended from Eden as an imperative duty, he early imbibed those lessons of industry and application without which no man can hope to succeed.

Clinton Rowell is the son of Guy and Clarissa (Rankin) Rowell and was born at Concord, Essex County, Vermont, November 12, 1838. The families of both his father and mother are well known in New England and have borne an honorable part in the history and development of that section. Although born in Vermont, Mr. Rowell was really reared in the adjoining State of New Hampshire. There his father engaged in agriculture, and on the farm and in attending the near-by public school his son spent his youth. When qualified, he was given the advantage of several academic courses and finally completed

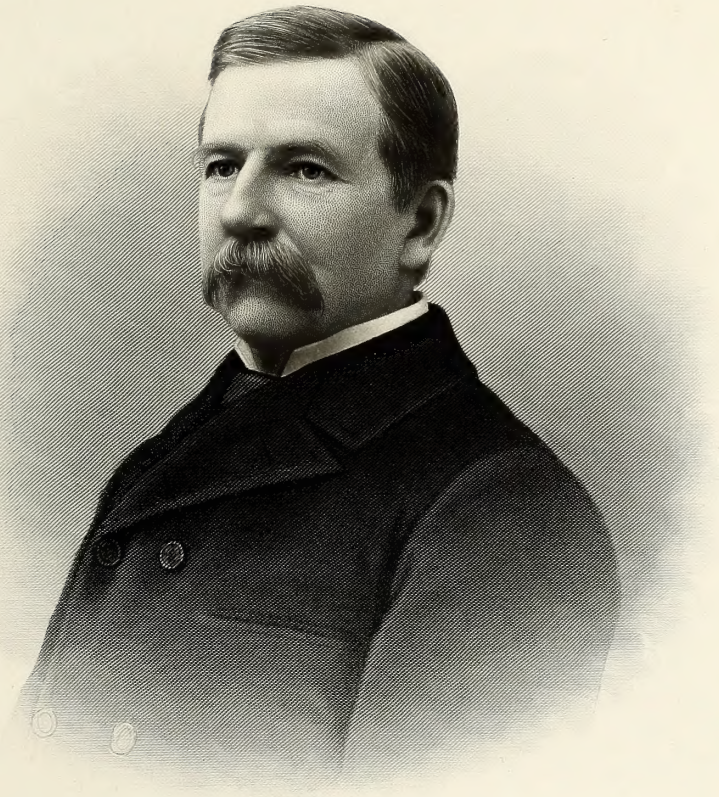
his education at Dartmouth. Like so many of the youth of his native section, he was filled with the desire to be an actor in the shifting scenes of the growing West, and full of hope and ambition left the paternal homestead to go and lay the foundation of his fortune in that new land. His destination was Bloomington, Illinois, and shortly after reaching that town he is found installed as a law student in one of the leading law offices of that city. In good time he qualified, passed his examination and was admitted to practice.

In 1866 he came to St. Louis and since that date has there practiced his profession uninterruptedly. He reached that city just at a crisis in its history. It was just at the beginning of the era of rapid development that followed the war. Periods of development, expansion and change are always prolific in litigation. It was the "tide" in his affairs, which he had the sagacity and wisdom to take "at its flood," the "lead on to fortune" being his reward, as it is of all men who properly combine ability and opportunity. Shortly after his arrival in St. Louis he formed a partnership with Daniel D. Fisher, the firm of Fisher & Rowell being maintained up to January, 1889, a dissolution then being made necessary by Mr. Fisher taking the place to which he had been elected on the Circuit Bench. After Mr. Fisher became Judge, Mr. Rowell entered into partnership with Franklin Ferriss, and under the style of Rowell & Ferriss the firm still continues.

Mr. Rowell is a member of the St. Louis and Mercantile Clubs and also of the Merchants' Exchange. He has always been one of the city's most public spirited citizens and has been identified with many measures to promote the public welfare. He was one of the delegates to the convention held in Washington in 1893, to urge the repeal of the Silver Purchasing Act, and made one of the most eloquent speeches of the session.

Mr. Rowell's ability is no less certain than the esteem in which he is held is fully deserved. He has the splendid head, the commanding presence, the flexible voice and mastery of language which must be reckoned as the traits of the natural orator. His words have that force and directness that proceed only from simplicity and clearness of ideas, and spring from an earnestness and sincerity that carries conviction. He makes his client's case his own, and his extreme solicitude and earnestness of purpose perhaps reveal the secret of the splendid percentage of causes won by him. He was a practitioner in the courts when cases were fought openly and *á outrance*, no quarter being expected or given. He witnessed the gradual change of procedure to the present condition when verdicts are reached by adjustment and compromise. As a fighter in the open courts, or as a diplomat in the consultation room, he has been equally successful, and always, in every incident and crisis of his professional life has been the trained lawyer, the learned advocate, the eloquent pleader and the honest, fearless and sincere man.

Politically, Mr. Rowell is a Democrat of strong convictions; and while political and public affairs must always possess an absorbing interest to a man of his pronounced convictions and active intelligence, he has always resisted every persuasion to enter the field as a candidate for office. His popularity would in such event give a winning prestige, but he knows the Law is a jealous mistress and will permit no division of attention. The conclusion must not be drawn from such statements that he is a man of one idea or is devoted wholly to a single purpose. He has read much and has a mind stored with a great variety of general information. While he finds the law practical, he has not allowed that fact to make of him a subject governed by hard routine or moved wholly by inflexible method, but he has found time to cultivate the ideal and is a lover of the beautiful. His beautiful



Clinton Rowell

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home near Forest Park is ample evidence of his refined taste and his domestic inclination. Here he can find solace from his cares and rest from professional duties, surrounded by an interesting family consisting of a wife and two children. The former was Miss Carrie M. Ferriss, sister of Mr. Rowell's law partner. The fortunes of Mr. and Mrs. Rowell were joined in 1868.

THOMAS A. RUSSELL,

SAINT LOUIS.

THE subject of this sketch was born in Virginia, and sprang from good stock on both sides of the house. His father, John Russell, was the son of Thomas Russell, a veteran of the Revolutionary War. His mother, nee Rebecca Buffington, was the daughter of Colonel Buffington, who acquired his honorable military title by valiant service in the same great struggle. Colonel Buffington's wife, the grandmother of the subject of this memoir, was related by blood to John Quincy Adams, sixth President of the United States. Our subject's father, John Russell, inherited the military spirit of his ancestry, and though quite young at the outbreaking of the second war with Great Britain (1812), promptly enlisted and served his country with patriotic fidelity to the close of the conflict. On being mustered out of service he returned to his farm, now a part of the site of Huntington, West Virginia, and resumed the peaceful life of a farmer. Here Thomas A. was born, and here he lived until grown to be a lusty lad, receiving such education as the academies of that section could supply, alternating agreeably and healthfully his periods of mental application with such rural employments and diversions as were congenial to his taste.

When but a boy he selected the law as his future profession, and the election once made, bent all his energies sturdily to the realization of his hopes. He had by nature an adventurous spirit, and yielded in one instance to its promptings. Joining the great army of restless spirits that followed the Westering Star of Empire, he underwent the fatigues and perils of an overland wagon trip to California. There he spent several profitable years, the rude ferment of an inchoate civilization affording to the shrewdly observant youth a specially valuable opportunity for the study of human nature, and for a ready insight into life. He has always alluded to this youthful experience as an important element of his education, furnishing not merely opportunities for observation in a field where men were not cloaked by the conventionalities of older and more artificial communities, but displayed their virtues and vices openly. Self-reliance, fertility of resources, ready insight into the book of human nature, and fortitude under adverse circumstances are some of the fruits of experiences like these, and young Russell came forth from this hardy school strung for the fateful encounter of life.

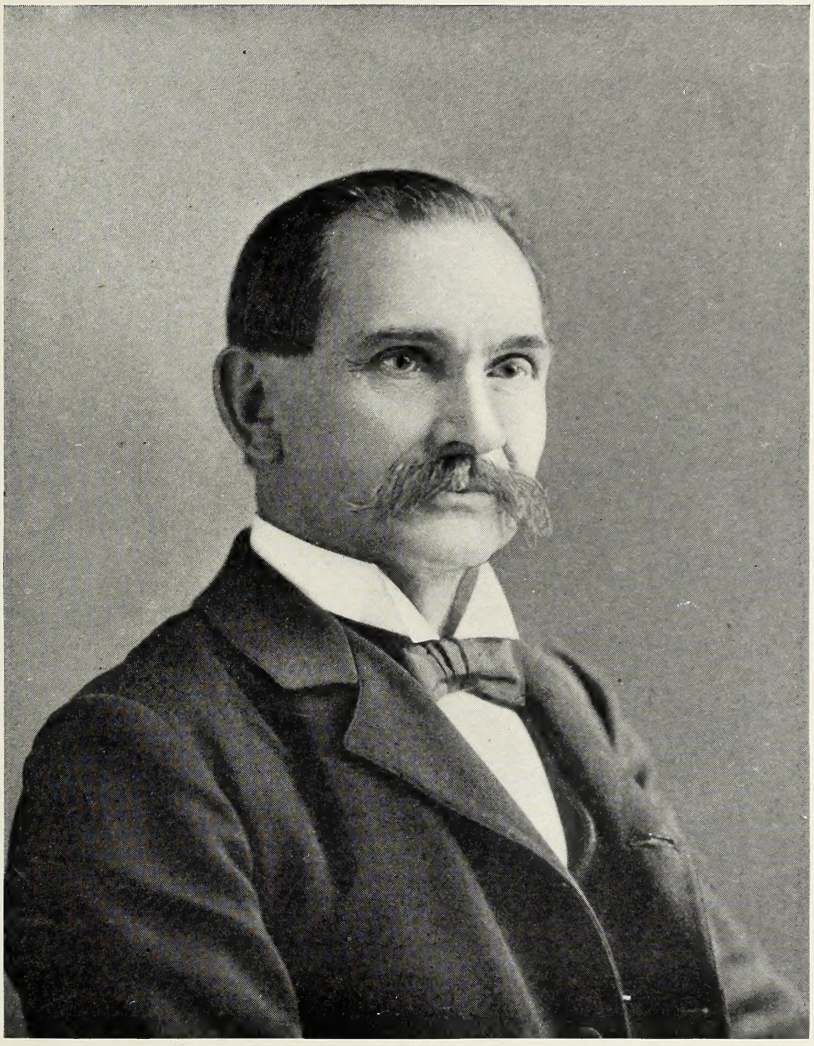
He had not dismissed his early predilection for the law. On the contrary, his roving spirit once quenched, he set his face firmly toward the object of his desire. Realizing the inadequacy of his scholastic furnishing for the profession he had chosen, he decided to return East as far as Columbia, Missouri, where he had relatives, and complete his preparatory education in the State University. On leaving the university he entered on the study of law in the office of his brother, Col. F. T. Russell, who was at that time and long afterwards one of the leading practitioners of Boone County and of the entire section tributary in any respect to Columbia. Thomas was admitted to the bar by Judge William A. Hall, of Huntsville.

The young attorney located at Kansas City where, circumstances favoring, he speedily acquired a large clientele. It is related of him that at one time he had the remarkable distinction of representing one side of every case on the docket of the Kansas City Court of Common Pleas, said docket containing more than one hundred and twenty cases. He removed to St. Louis in 1864, where he has since resided. He has steadily gained prestige from the beginning of his career in St. Louis, and to-day has a reputation for probity, caution, acumen and legal erudition that places him in the front rank of metropolitan lawyers.

While a man of much general reading and of much information in many lines of human effort, he has delivered the weight of his energies to the law, being convinced from the outset that to attain a high degree of success in an arduous and intellectual calling one must specialize it from other departments by singleness of devotion and unremittingness of effort. He made no endeavor, therefore, to acquire a literary reputation or to weave the chaplet of the muses around the black letter of the law. He has always preferred character to reputation, right to popularity, solidity to show, clearness and effectiveness to oratorical rhetoric and display. He became early what is called a "safe counselor," advising no risky chances when he thought he clearly saw the outcome would be disastrous to his client. On the contrary, when convinced that *right* was with his client he did not hesitate to attack the most formidable obstacles and frequently with astonishing success. One notable instance may here be cited which illustrates the perspicacity of his legal vision, the soundness of his judgment and the tenacity of his will. He was the attorney for the Dyer heirs in a suit to recover forty acres of ground in the central southern part of St. Louis. Many of the occupants of this tract had been more than twenty-four years in possession, and the statute of limitation made that term a bar to recovery. Notwithstanding the Supreme Court of Missouri had sustained this statute, Judge Russell was convinced that the law was unconstitutional and wrong in principle, and that the Dyer heirs had all the elements of a sound case. He was defeated in more than twenty suits in the lower courts, but persevered in his efforts, and, after just ten years of strenuous litigation, he had the satisfaction of seeing the Supreme Court overrule its former decision, and declare the law unconstitutional.

During his long residence in St. Louis, though interested in public affairs as every intelligent citizen must be, he has never broken the even tenor of his professional life as a practicing attorney save in two instances. He held, for four years, a Directorship on the School Board of St. Louis, and was Vice-President of the same. He signalized his official course by being the chief instrument in selecting the site of the St. Louis High School and building the magnificent structure thereon, which is confessedly one of the architectural ornaments of the city. Resuming the congenial duties of his profession he did not again participate in public affairs until his acceptance, on the appointment of Governor Stone, of one of the three additional Circuit Judgeships created for the City of St. Louis. He wore the judicial ermine wisely and gracefully and doffed it unsmirched by even a suspicion of unfairness. Reaching the close of his term he declined to become a candidate for re-election and again took up his private practice, in which he is receiving an increasingly substantial measure of success.

In person, Judge Russell is of medium stature, compactly built, with all the healthful evidences of the vigor which attends on regularity of life, temperance in eating and drinking and rigid abstention from all vices save an occasional cigar with a friend. He has never used alcoholic liquors in any form. His face indicates amiability of disposition. Though approachable always and genial on occasions, there is that dignity in his deport-



Thos A Russell

ment which invites the familiarity of only the tried and trusted few. Those who know him well do not suspect him of coolness, for his fidelity to the tried and proven has passed into a proverb within the pale of his acquaintanceship. He is domestic in his inclinations, tender in his attachment to wife, children and relatives, quietly devoted to his church, and resolute in his political affiliations. Though a Democrat from study and choice his activity in the field of politics has not been that of the partisan, but that of the sagacious citizen devoted to the cause of good and honest government.

Judge Russell married Miss M. L. Lenoir, a granddaughter of General Lenoir, of North Carolina, an officer of the Continental Army. Judge and Mrs. Russell have two children, both daughters, and both ladies of wide culture and pleasing address. The elder, Minnie L., now the wife of J. D. Thomas, Esq., a wealthy and prominent citizen of Waco, Texas, possessed elocutionary and histrionic talent of a high order. As a souvenir of the early recognition given to her budding talent, she holds a gold medal awarded to her by the Missouri Press Association while a student at the State University. The younger sister, Frances L., was endowed by nature with high artistic abilities, which, if they had received the stimulus of necessity, might have secured for her a flattering reputation. She is the wife of Dr. Thomas E. Ferguson, of St. Louis.

Judge Russell is a member of the First Christian Church, and was for many years a prominent official of that congregation. He is attached to the polity and doctrines of the "Christian Church," but is devoid of intolerance and hails with gladness the good that is in all. This conservatively liberal spirit is characteristic of the man in all things. When his life's work is done, it will be said of him that he illustrated the best type of American citizenship, and that a thoroughly trustworthy man has gone to his reward.

JOSEPH H. FOY, A. M., LL. D.

Saint Louis, Mo.

FRANK LEE SCHOFIELD,

HANNIBAL.

A MEMBER of the family who has a taste for genealogical records avers that the name Schofield was brought to England by one of the Generals in the invading army of William of Orange. The name of this General appears in the records as "Schoenfeldt," but this is the Germanic form of the same name, the transition from which to Schofield being easy and natural. From the earliest times those who have borne the name have shown a strong family bent or trend toward mechanics; and even to the present day this is the decided inclination of the blood, despite the fact that the persistent fidelity to this family taste has prevented many of the name from acquiring that wealth or distinction with which their sturdy qualities of mind and manhood would undoubtedly have rewarded them had they not been exercised in the direction of such an ambition. But as stated, for generations this has been the marked family trait, and for generations a large majority of the members of the family have been engaged in mechanical and manufacturing pursuits.

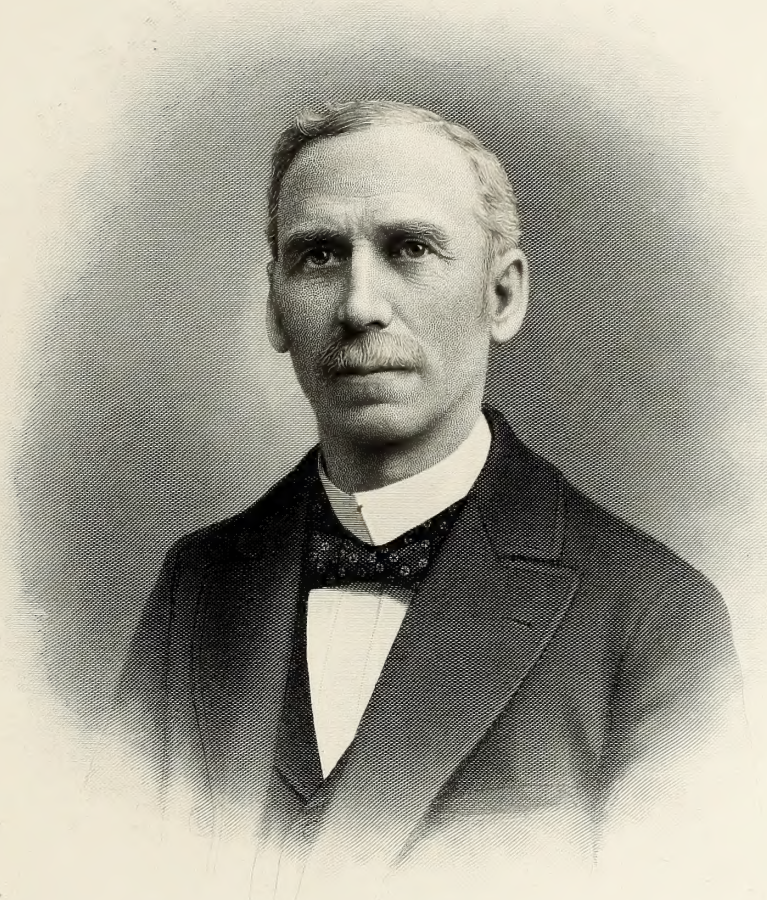
Joseph Schofield, the great grandfather of our subject, was in his youth apprenticed to a wealthy woolen cloth manufacturer named Cuttell, of the town of Holmfirth, in Yorkshire, England. The young machinist, however, in the course of his employment, developed a decided talent in quite another direction; for having wooed the daughter of his em-

ployer and won her heart, with characteristic courage and persistence he laid siege to the aristocratic father, who in the end could not do otherwise than gracefully capitulate, and so yielded a somewhat constrained consent to what his family regarded, on account of this particular young Schofield's lack of wealth, an unequal union. A son of this marriage, Joseph Schofield, grandfather of Frank Lee, with his brother, William, were the members of the family who planted the name in America, both having in early life come to this country, between 1802 and 1804, and settled first at Philadelphia. In a short time Joseph removed to Shippensburg, Pennsylvania, where, having erected the first spinning jenny west of the Susquehanna, he established himself in the manufacture of woolen cloths. Here he met and married Elizabeth Brown, and here his brother William married her sister; they were daughters of James Brown, a merchant of enterprise and wealth, but who, after having served his country in the War of the Revolution, returning to his trade, failed in business, the victim of over-confidence in Continental money.

Between these two brothers, Joseph and William Schofield, there always existed from the time of their early youth in the old English home, ties of unusual fraternal fervor and strength. They afterwards removed from Pennsylvania to Eastern Ohio, where, having established themselves separately in the manufacturing business, became with their sister wives the two branches of the family tree in America. Our informant, Mr. Joseph G. Schofield, a lawyer of Seneca, Kansas, the genealogist of the family above referred to, delights to dwell upon the touching and beautiful picture, as it was impressed upon his early boyhood mind, of these two old men, on occasions of their annual exchange of visits, sitting in the gathering shadows of life's evening, with faces radiant and cheerful, recounting in converse of undisguised affection the confidences and experiences which had so completely fused and welded their lives. Both reared large families, of which, however, we are here concerned only in that of Joseph, the grandfather of our subject.

He had a family of nine children, of whom William, the father of Frank Lee, born in 1813, was the third. Inheriting his father's calling after the English custom, William, in early manhood removed to Moundsville, Virginia, where he erected and established himself in a woolen manufactory. Here he married Phoebe Jones, daughter of Judge Asher Jones of Dilly's Bottom, and here five of the six children of this union, including Frank Lee, were born. He removed with his family to Lewis County, Missouri, in the fall of 1849, where, having purchased and settled upon a farm with the proceeds of the remnant of his business wrecked by fire in Virginia, he determined to devote the remainder of his years to the more conservative pursuits of agriculture. But notwithstanding his good resolutions in this regard, it was but comparatively a short time till, yielding to the dominant family trait which our genealogist refers to as "the machinery craze," he committed the management of the farm to his older boys and hired men and engaged in steamboating on the Mississippi River between St. Louis and Keokuk. He afterward retired from the river, and in connection with his brother-in-law bought the "Valley Flouring Mills," near his farm on the Wyaconda River, three miles southwest of Canton, which in connection with his farm he continued to operate till his death in 1861.

Of his marriage with Phoebe Jones there were born one daughter and five sons, of whom Frank Lee, the subject of our sketch, was next to the youngest. Mary, the daughter and eldest of the family, married James Q. Maupin; she died in 1871. Joseph A., the oldest son, also deceased, was a steamboat engineer. William H. is a flouring miller and



F. L. Schofield

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resides at Camp Point, Illinois. John A. is a merchant and fruit ranchman and resides at San Jose, California. Len, the youngest, was a physician and died at Canton in 1880.

As stated above, the prevailing family trait is the leaning toward mechanical pursuits; there is, also, a marked and almost universal fondness for literature, which, however, has most usually manifested itself merely as an accomplishment and means of rational enjoyment. This additional trend or taste has rendered all the more easy and certain of success those of the family who have resisted the dominant trait and engaged in the pursuits of letters or the learned professions. And while the family can boast of but few members who have occupied exalted positions in the affairs of men, it can claim an honorable, though modest distinction, in the various walks of life to which its members have chosen to devote themselves. And our genealogist sententiously remarks that the family can make the great boast that it has never produced either a criminal or a pauper, nor one who would avoid an honest debt; and then adds: "I have never met one of our relations of the name who was ashamed to look me in the face, or whom I would be ashamed to own as a relative or associate with as a friend."

Frank Lee Schofield, son of William and Phoebe Jones Schofield, was born at Moundsville, Virginia, October 1, 1849. The mother died in 1856, after the settlement in Lewis County, Mo. Four years later the father married Miss Nancy Nesbet. To this most amiable and accomplished and devoted woman our subject is indebted for an unusually thorough training in the rudiments of his education. The father dying in the early months of 1861, that event and the troublous times which immediately followed, necessarily resulted in a separation of the family. The older boys, with characteristic self-sacrifice, at once decided to seek their fortunes in the world apart, and so left the home roof as a shelter to the stepmother and the two younger brothers, Frank and Len, then aged respectively eleven and eight years. No mother's affection and devotion for her own offspring could have exceeded that of hers, who stood in the place of a mother to these two young children. The scanty and uncertain rental of the farm resulting from the disturbed condition of the country, being insufficient for their support, and the common schools of the neighborhood being broken up and suspended during the war, she was at once confronted, not only with the problem of their support, but, in her view, with the scarcely less important one of their education. She accordingly opened a school in the old homestead where for years she taught the two boys and the children of neighbors for miles around. It was under this tuition that our subject acquired the foundation and had awakened and stimulated the inherent taste for those scholarly attainments which so markedly impressed his later ambitions. In the fall of 1865 the mother married Rev. Martin Corder, of Lafayette County, taking with her to her new and affluent home the younger brother, Len. Having survived her husband, she is yet living at the town of Corder, near Lexington, Missouri.

With the little patrimony that was left him, eked out by the fruits of his own labor, as a hired man on farms, as a clerk in stores, as a compositor in a printing office (that of the Canton Press), and as a teacher, Frank managed in the succeeding years to attend the La Grange Academy, the Canton High School, and finally Christian University, where he finished his education in the class of 1870. Meantime, however, during his last years at college, he entered the office of Hon. John J. Louthan, of Canton, for the study of the law, and having been admitted to the bar by Judge E. V. Wilson, at the spring term, 1870, of the Lewis County Circuit Court, he remained in the office of his preceptor actively assisting him in his practice for nearly two years, when he opened an office and commenced the

practice alone in Canton. The experiences of our subject were no exception to the usual rule of unamenable perplexities and difficulties attending the first flights of legal fledglings. It is the old story, the details of which may, we think, be omitted from this record without serious detriment to its interest.

In 1871 he was appointed by Gov. B. Gratz Brown Superintendent of Schools of Lewis County. This appointment, which carried with it emoluments of no inconsiderable importance to him at that time, was not the less acceptable because it came to him unsolicited. And it was several years before he learned that it was to the influence of his friend, Judge David Wagner, Chief Justice of the Missouri Supreme Court, whose favorable notice he had attracted while attending college, that he owed this unexpected good fortune. During the administration of Gov. Silas Woodson, in 1873, Mr. Schofield was appointed to fill out an unexpired term as Prosecuting Attorney of Lewis County, and thereupon removed to La Grange, where his predecessor had resided, and in the general election of 1874, being elected his own successor, he served the people of the State in this office till the end of 1876.

In the spring of 1878 he removed with his family to Quincy, Illinois, where shortly afterward he formed a copartnership in the practice with Maj. George W. Fogg, now of Tacoma, Washington. He, however, remained in Quincy only for something less than three years, again returning to Canton, Missouri, in the fall of 1880, and upon the retirement of Judge John C. Anderson from the circuit bench in the following January, he entered into copartnership with him, and from this time till his removal to Hannibal, in 1889, the firm of Anderson & Schofield enjoyed a lucrative practice. In May, 1889, he removed to Hannibal, accepting a partnership with Col. Rufus E. Anderson, with whom, however, he remained connected only a little more than two years, when he withdrew from the firm and has since been engaged alone in the practice of his profession.

Upon the division of the Eastern Federal Judicial District of Missouri and the institution of Circuit and District Courts of the United States at Hannibal, the first term of both courts being held by Judge Amos M. Thayer in May, 1887, Mr. Schofield was appointed the Standing Master in Chancery of the Circuit Court. This honorable and responsible position he yet continues to hold.

On November 14, 1872, Mr. Schofield was united in marriage with Miss Anna E. High, foster daughter of Hon. Madison C. and Phoebe E. Hawkins, of Canton. There have been born of this marriage three children: Madison C., who is a student in the law department of the Missouri University at Columbia; John A., who is now in his senior year as a naval cadet in the United States Naval Academy at Annapolis, Maryland, by appointment of the late Col. William H. Hatch, Member of Congress from the First District; and Thomas R., who is connected with a large manufactory of shoes in Hannibal.

In politics Mr. Schofield is a Democrat of pronounced convictions, although he has never allowed the practical phases of politics to segregate his sincerest devotion to his profession. And while frequently serving as a member of the Congressional, State, Judicial and other committees of his party, and in the campaigns performing on the hustings a prominent share of party service, he has never been a candidate for office since his election to his last term as Prosecuting Attorney in the early years of his professional career. But he will not permit his party to lead his conscience against his own convictions of what is for the public good. Accordingly, in the great free silver upheaval of 1896, when he found these convictions utterly at variance with what he considered the authori-

tative utterances of his party's duly accredited platform builders, he openly and promptly repudiated the Chicago platform. He was one of the noted gathering of "Sound Money" Democrats which met in St. Louis in February, 1896, and was a member of the committee to frame the address and protest which that meeting issued to the Democrats of Missouri. It is hardly necessary to add that in the ensuing election he gave his hearty support to the candidates of the National Democracy.

Mr. Schofield is a Mason; and for his zeal, knowledge and skill in the mystic brotherhood, has been rewarded by successive calls for service in every office in lodge, chapter and commandery. He is a man of strong religious convictions, and since his early manhood has been a member of the Christian Church.

A prominent lawyer of Northeast Missouri has this to say of Mr. Schofield: "He is a lawyer of rare ability, particularly in trials before the court, and especially in equity cases, for which he has an especial fondness and in which he is at his best. Withal, he is a man of sterling integrity, a man you can count on in every relation in life, true and devoted to his profession, his country and his friends."

THOMAS ADIEL SHERWOOD,

SPRINGFIELD.

CERTAINLY a jurist whose learning and ability will leave a deep and indelible impress on the judicial history of the State, is Thomas Adiel Sherwood, Judge of the Supreme Court of Missouri, who in erudition, knowledge of the law and scholarly accomplishments is without a peer in the profession. Judge Sherwood's skill in legal science has been registered throughout more than a quarter of a century of Missouri's judicial development. Having occupied in that time the highest judicial office in the State, where he has delivered scores of opinions year after year, his effect in shaping the laws of his time must necessarily be profound. Nor is his complete usefulness to his State fully accomplished. Still hale and vigorous, at the zenith of his ripe experience and the full strength of his mental power, his usefulness to his State is likely to extend through many more years.

The paternal ancestors of Judge Sherwood came from Nottinghamshire, England, near Sherwood Forest, which perhaps accounts for the name's origin. They reached this country in 1635 and settled in Connecticut. His grandfather, Adiel Sherwood, thence moved to Fort Edward, New York. The latter was, between 1775 and 1776, First Lieutenant in the militia regiment commanded by Col. John Williams; between 1776 and 1777 held a like rank in the First Regiment of the New York Line, commanded by Col. Goose Van Schaick, and until 1780 was Captain in Col. Lewis Du Bois' Regiment of New York Levies. He was a patriot and a soldier of the Revolution. His son, Adiel, the father of our subject, born in Fort Edward, New York, studied for the ministry and was a man of high ability and scholarly achievements. He was the author of several theological and other works and for a number of years was the President of Shurtleff College, Upper Alton. He was the first cousin of Samuel Sherwood, a noted lawyer of New York, who died some years ago. The family is very prominent in New York and Judge Thomas R. Sherwood, of the Michigan Supreme Court, is a relative of the Missouri Sherwoods. Judge Thomas A. Sherwood's mother was Emma C. Heriot, of Charleston, South Carolina. Her

father, Roger Heriot, was a native of Scotland, who, coming to America, married here Catherine Booth, a native of England.

Judge Sherwood was born in Eatonton, Putnam County, Georgia, June 2, 1834, and was educated in Mercer University, Georgia, and at Shurtleff College, Upper Alton, Illinois. It was in 1852 that he came to Missouri, but it was not until some years later that he concluded to adopt the law as a profession. In furtherance of such plans, he went to Cincinnati, where he entered the Cincinnati Law School, graduated in 1857 and was admitted to the bar in Mississippi County, Missonri, in the same year.

After he came to Missouri in 1852, he resided in the counties of St. Louis, Cape Girardeau, Scott, Newton, Lawrence and Greene, finally locating permanently in the county last named. He gained business and prestige rapidly, and in 1872 when he was nominated for Supreme Judge, he was already well known as one of the skilled lawyers of his part of the State. He was elected, served his term of ten years, and was re-elected to the same position in November, 1882. So well did he show himself adapted to the exalted and responsible place, and such splendid ability did he display, that he was again made the candidate of the Democratic party in 1892, and elected for the third time to Supreme Bench.

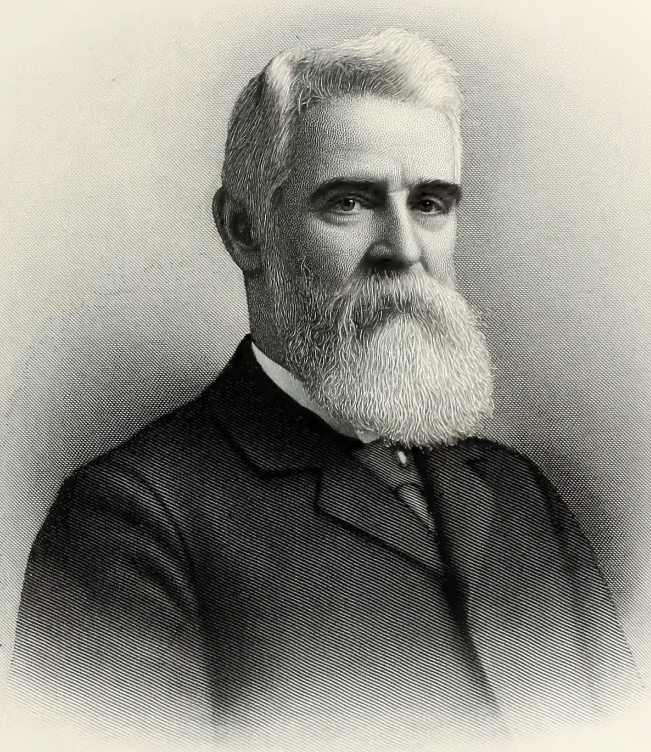
June 18, 1862, the Judge was married to Miss Mary Ellen Young, of Lawrence County, Missouri. They have had eight children, six of whom are living. Adiel, is a well established lawyer in St. Louis; Brella, is the wife of Edward S. Finch, of Springfield, Missouri; Harry Y., is connected with the St. Louis Trust Company, of St. Louis; Emma C., is now Mrs. Fred Wishart, of Springfield; Pansy and Roderick McKinney are still at home.

The services of Judge Sherwood have been of the highest value to the State. Men of his judicial fitness are rare, and his retention on the bench is evidence of the highest wisdom on the part of the people.

GEORGE HOWELL SHIELDS,

SAINT LOUIS.

GEORGE HOWELL SHIELDS was born June 19, 1842, at Bardstown, Kentucky, and is the son of George W. Shields and Martha A. Howell, daughter of Daniel S. Howell and Sarah Garnett Shipp. Daniel S. Howell was the son of Caleb Howell and Rebecca Stiles; Caleb Howell was the son of Ebenezer Howell, who was a Major in the New Jersey Line during the Revolutionary War, and Caleb Howell was a light horseman, or dispatch bearer, during the Revolution. Daniel S. Howell was one of the early settlers of Kentucky coming from New Jersey, and was a member of the County Court of Nelson County, and also for many years a magistrate. Sarah Garnett Shipp was of Old Virginia stock. Others of his ancestors and relatives in the various branches were patriots and men of character and standing. The Shields branch was a Pennylvania family, and on the western border of that State in early days, David Shields, the great grandfather of George Howell Shields, was a noted Indian fighter. The father of our subject, George W. Shields, was a native of that State and the son of David Shields and Nancy McChord. The family moved to Athens County, Ohio, and from there to a point near Cincinnati. George W. left home when seventeen, became a civil engineer, built many of the turnpikes of Kentucky and surveyed the first railroad built in Mississippi. He married Martha A. Howell, July 20, 1841, and in 1844 moved to Missouri, locating at Hannibal. He there engaged in business, became



Geo. H. Shields

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quite wealthy and was six times Mayor of Hannibal, and three times City Engineer. He lost his property during the war and returned to his early profession. He was appointed Postmaster of Hannibal by President Johnson and lived there till his death in 1880, respected by all his townsmen. Both Mr. and Mrs. George W. Shields were of Scotch-Irish Presbyterian descent.

George H. Shields obtained the usual grammar school education in vogue in Missouri before the war, and in 1859 went to Westminster College at Fulton, Missouri, then a flourishing Presbyterian institution, of which Hon. S. S. Laws was the President. He continued here till early in 1861, when the mutterings of the Civil War became so loud that confusion was rife in the State, when he returned home and began the study of law with Hon. Wiliam P. Harrison, then the leading member of the Northeast Missouri bar. The war rendered consecutive study impossible, as the young law student was a member of the Fifty-third Regiment of the Enrolled Missouri Militia in Company E, commanded by Capt. David Dubach, of Hannibal. During the intervals of scouting and other duties in connection with his militia service, he kept up his studies with Mr. Harrison, who was then the Lieutenant-Colonel of the Second Provisional Regiment, M. S. M. Mr. Shields was afterwards commissioned by Governor Gamble as Captain and A. Q. M. of the Fifty-third Regiment, E. M. M. His younger brother, Dr. D. H. Shields, now a prominent citizen of Hannibal, went into the Southern army under Sterling Price, and the family, as was the case in many Missouri families at that time, divided on the questions of the war.

In the fall of 1864 Mr. Shields went to the Louisville Law School and entered the senior class and graduated in March, 1865. In the fall of 1865 he was elected City Attorney of Hannibal on the Republican ticket, and was re-elected twice afterwards without opposition. In February, 1866, he married Mary Harrison Leighton, the oldest daughter of Rev. John Leighton, D. D., and Sarah Bainbridge Richardson, daughter of Hon. Samuel Q. Richardson, of Kentucky. Mrs. Shields, like her husband, is of Revolutionary stock, being a descendant of Col. Joseph Cabell, of Virginia, Benjamin Harrison, of Surrey, of William Randolph and "King" Carter, of Virginia. She is President of the Colonial Dames of Missouri, and State Regent of the Daughters of the American Revolution, and was for two years the Secretary General of the National Society of the Daughters of the American Revolution, while Mrs. Benjamin Harrison was President of the Society.

In 1866, Hon. William P. Harrison went on the Circuit bench and turned over his business to his young pupil and protege. The latter rapidly advanced in his profession. He was employed in quite a number of contested election cases in Northeast Missouri, which brought him into notice, as he was pitted against such eminent and able lawyers as Judge Redd, Col. Thomas L. Anderson, Hon. Rufus Anderson, Hon. Waller M. Boulware, and others, and being successful he gained the reputation of being a good lawyer. In 1868 he was spoken of for the Legislature, but declined to enter the contest. In 1870 he was a delegate to the Republican State Convention, but refused to join the Liberal Republicans who bolted that body, though a believer in removing the disabilities of the Confederates. He was nominated for the Legislature from the Hannibal District and was elected, being the only Republican elected in Marion County at that election. In the Legislature in 1871 and 1872 he was quite prominent, being a member of the Judiciary Committee, Chairman of the Committee on Constitutional Amendments, and Chairman of the Special Committee on the claim of James B. Eads against the State growing out of the sale of the State's interest in the old State Bank. Although the Legislature was largely Democratic, Mr. Shields

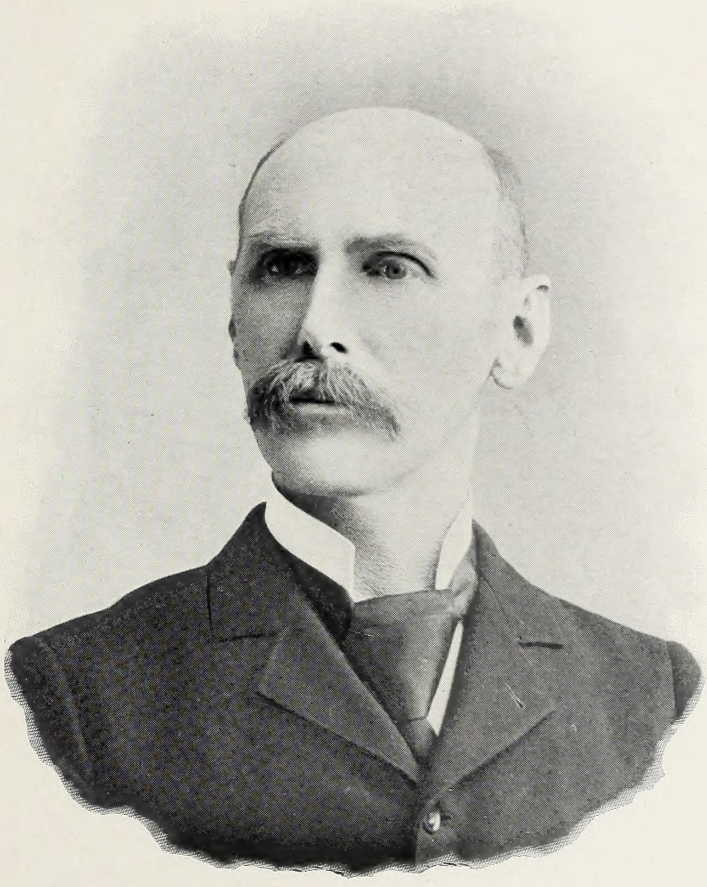
was considered so good a lawyer that he was elected one of the House managers of the impeachment of Judge Philander Lucas, his colleague being Hon. J. D. Shewalter. He was chosen Chairman of the Missouri Republican Convention in 1872 at Jefferson City, which sent delegates to the National Republican Convention which renominated General Grant, and in the St. Louis Republican Convention of that year he was nominated for Judge of the Supreme Court of Missouri.

In 1873 Mr. Shields removed to St. Louis, and formed a partnership with Hon. John B. Henderson, which continued for ten years, the firm occupying a front rank at the St. Louis bar. This firm was associated in the celebrated gas case on behalf of the city and in the whisky prosecutions in 1875-6, and the principal counsel on behalf of the bondholders in the contests on township and county bonds. In 1876 Mr. Shields was elected Chairman of the Republican State Committee and continued its Chairman until 1880. His brother, Dr. D. H. Shields, was at one time Chairman of the Democratic State Committee. In 1875 Mr. Shields was elected a member of the Constitutional Convention of this State, being one one of the seven Republican members. In 1876 he was elected by the people of St. Louis as one of the Board of Freeholders to frame a scheme for the division of the city from the County of St. Louis, and to frame a charter for the city. Although the majority of the Board were Democrats, such as Hons. James O. Broadhead, David Armstrong, Silas Bent, Albert Todd and others, Mr. Shields was complimented with the Chairmanship of this Board and greatly aided in its conclusions.

He was appointed by Judge Samuel Treat Master in Chancery of the United States Courts and Special Master in the Receivership of the Cotton Belt Railroad. He discharged his duties in this behalf so well that he was never reversed and he was complimented from the bench by Judges Treat and Brewer. He was also Special Master in Chancery in the celebrated "Express Cases," involving the right of the express companies to use the railroads without regard to contract, upon payment of reasonable compensation for such use to be fixed by the court, if the parties could not agree. He was also the referee in the State Court in the contest between the Wiggins Ferry Company and the Chicago & Alton Railroad Company, over a perpetual contract for ferriage of freight and passengers over the Mississippi River at St. Louis.

In 1889 he was appointed by President Harrison, on the recommendation of General Noble, then Secretary of the Interior, as Assistant Attorney General in charge of the legal business of the Interior Department of the United States. Many new questions growing out of the opening of the great Sioux Indian Reservation, the Cherokee Strip, and other Indian lands, and as to railroad grants, forest reservations, the government of the Territories, the disposal of mineral lands to locators, the conflicting claims of railroads between themselves and with settlers, constantly required the attention of the Department and the Secretary of the Interior, during this administration, much of which business fell to Mr. Shields, the invaluable nature of whose help and counsel the Secretary acknowledged in a very warm and complimentary letter to his assistant.

At the close of the administration of President Harrison he appointed Mr. Shields as agent and counsel of the United States before the United States and Chilean Claims Commission. For a year and a half under Mr. Cleveland's administration and under the general supervision of Secretary of State Gresham, this commission sat on all the claims pending between the two countries for seventy-five years past. So well pleased was the Department of State with Mr. Shields that when the commission, which expired by a time limit



G. Pitman Smith

before completing the cases, was to be revived, Hon. Secretary of State Richard Olney expressed a desire to Mr. Shields that he would again undertake the work. The treaty, however, was not renewed at that time.

Returning to St. Louis in December, 1894, Mr. Shields resumed the practice of the law. In September, 1895, General Noble, whose assistant he had been for so long in Washington, offered him a partnership and the firm of Noble & Shields was formed and still continues. This firm stands among the first in the State.

Mr. Shields is a Presbyterian and is an Elder in the Second Presbyterian Church in St. Louis. He is greatly interested in Sunday school work, believing in the efficacy of religious instruction of the young. He is an ardent patriot and believes that the future of the country will be brilliant and lasting. He is a member of the Frank P. Blair Post of the Grand Army of the Republic, and is President of the Missouri Society of Sons of the American Revolution, and was Vice-President of the District of Columbia Society of that organization for two years, and was on the joint committee to arrange for the union of the Sons of the Revolution and the Sons of the American Revolution in 1897.

Mr. and Mrs. Shields have three living children, George H. Shields, Jr., a young lawyer at the St. Louis bar; Sara Bainbridge Leighton Shields, who married in June, 1896, Prof. William Marshall Warren, of the Boston University; and Marion Leighton Shields, now a student in the St. Louis High School.

GEORGE PITMAN SMITH,

MONTGOMERY CITY.

ONE of the best known railroad and corporation lawyers in the State is the gentleman whose name heads this article. He is one of that able coterie of lawyers, who, dating their beginning in Pike County, have spread throughout Missouri, to reflect honor on their native county and State. George Pitman Smith was born near Louisiana, Pike County, March 8, 1849, and is the son of Rev. George and Mary Cornelia (Hughes) Smith. His father was the son of Samuel Smith, of Connecticut, which was likewise the former's native State. The Smith family was of English origin, coming to New England at an early day, while the Hughes family was originally from Virginia. While still a young man, the father left his home in New England to make his own way in life, eventually reaching Pittsburg, Pennsylvania. There he decided to enter the ministry, and after preparation became a preacher of the Methodist Church. From Pennsylvania he went to Ohio, and from Ohio to St. Louis, where he had charge of a church until he was transferred to a circuit in Northeast Missouri. As is well known, the slavery question and related issues caused a great split in the Methodist Church. When this occurred, in 1844, Rev. George Smith, although of Northern birth and education, went with the Southern element and became a minister of the Methodist Episcopal Church, South. For many years he "rode circuits" in Northeast Missouri, came to know almost everybody in that quarter of the State, and was without exception loved and respected wherever known.

His son, the subject of this biography, was given his elementary education in the schools of Lewis and St. Charles Counties. The son's schooling was completed at High Hill Academy, at the place of that name in Montgomery County. After this he taught several terms of school, with the object in view of placing himself in a position to adopt

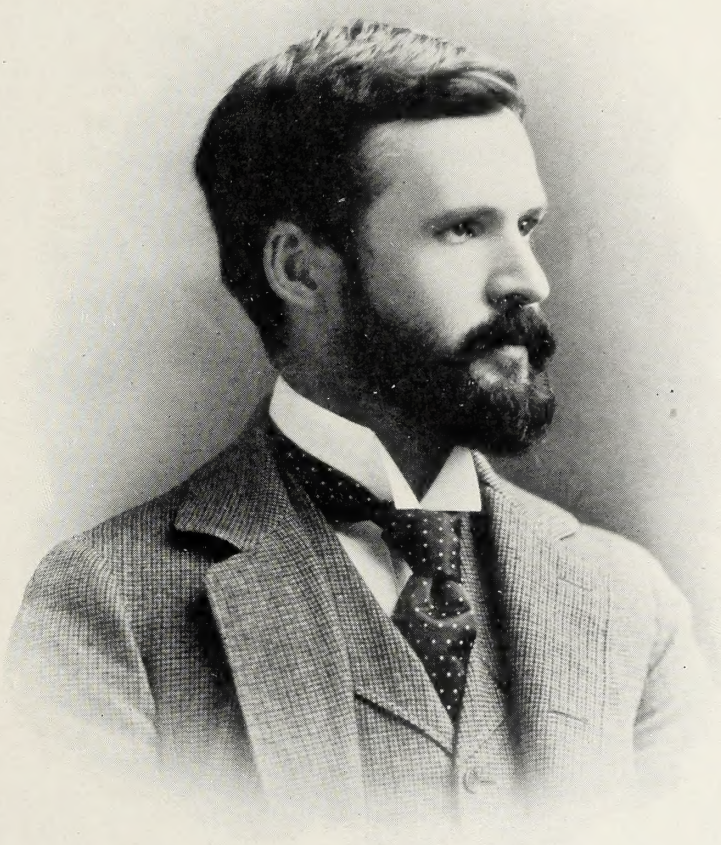
the law. Somewhere about 1870, he went to St. Louis and as a student entered the office of Trusten Polk, at one time Governor of Missouri and afterward United States Senator, and one of the great minds of the State's legal history. He was admitted to the bar in St. Louis, in 1871, at once began practice there, and such was the ability and address of the young lawyer that in the years that followed he played no inconsequential part in the civic, political and judicial affairs of the metropolis.

In 1876 he was elected as a Democrat from St. Louis County to the State Legislature, overcoming a large adverse Republican majority, which strikingly demonstrated his popularity with the people. He attracted attention during this session of the Assembly, and his ability, activity and aggressiveness wrought its influence on the course of legislation. While a resident of St. Louis he was connected with a number of enterprises of public importance, one of the greatest consequence being the effort which succeeded in the establishment of Forest Park, and in which his activity played a leading part. He was one of the Citizens' Committee to go to Jefferson City and urge legislation looking to the establishment of the park, and after that was accomplished he was one of the originators and stockholders in the enterprise to build a railroad through the park. The road was built and was afterward sold to the St. Louis, Kansas City & Northern, now Wabash Railway, and is at present a principal part of its great St. Louis terminals.

In 1885, controlled by that restless ambition which is characteristically American and is ever ready to seek benefit in change, Mr. Smith went to Albuquerque, New Mexico, where he established an office and practiced law for about eighteen months. At the end of that period he returned to Missouri, locating at Montgomery City, in 1886, where he has been ever since. Since his location there Mr. Smith has represented much of the corporation practice of that section of the country and is recognized wherever known as an adept in those branches of law that pertain to railroads, banks and corporations. Excepting the short time it was in the hands of a receiver, he has been attorney for the Wabash west of the Mississippi River for twenty years. He was with the legal department of the Missouri Pacific for several years and is now also the retained local counsel of the Missouri, Kansas & Texas Railway. It will thus be seen that his responsibilities in this field are most varied and weighty.

He has always been prominent in politics and has always spoken with authority in the councils of his party. In 1896 he was one of the most influential supporters in the State of the "Cleveland wing" of the Democracy, being one of the delegates of that party to the National Convention at Indianapolis. At the Presidential election of 1888 he was one of the Democratic Electors of the State. Beginning with 1877 Mr. Smith became one of the attorneys for the State Insurance Department, holding that position four years.

Mr. Smith stands very high in the Masonic fraternity, and is very active in that circle. He is a Knight Templar and a member of Ivanhoe Commandery of St. Louis; is a member of Missouri Chapter, No. 1, Royal Arch Masons; is a member of Montgomery Blue Lodge, 246, and also of the Order of the Eastern Star. He is active in all civic affairs and is a moft patriotic and useful citizen. His wife and helpmeet was Miss Carrie Theodosia Moore, daughter of the late Jonas and Theodosia (Robbins) Moore, who came from Sackett's Harbor, New York, to Missouri, and located at St. Louis at an early day. The marriage took place at Clayton, St. Louis County, December 20, 1882. To the couple have been born four children, two of whom survive, namely: Lulu Theodosia, ten years, and Pitman Moore, an infant.



Selden P. Spencer

Mr. Smith is a man of most active temperament, although disposed to be cool, careful and methodical. He strikes one as a most likeable man, and as one who would be steadfast in all things. There is nothing shifty in his character, and he is direct and rigidly honorable in all his dealings. He is charitable, kindly and courteous to all, a man of sympathetic heart and liberal mind. He is endowed with a high degree of mental culture, and his taste being literary, he has spent much time in satisfying it. As he is still in the prime of life, with a splendid reputation already builded, his future is bright with the highest possibilities.

SELDEN P. SPENCER,

SAINT LOUIS.

THE career of Judge Selden P. Spencer, of St. Louis, is a good illustration of what under our American institutions may be accomplished by the young man of pluck, energy and honorable purpose within a short time. Judge Spencer is but thirty-five years old, and yet occupies one of the proudest and most honorable positions to which members of his learned profession may aspire, viz.: Judge of the Circuit Court of the great metropolis of St. Louis. While this position has been achieved because of a high order of natural ability, yet such endowment has been supplemented by much study, and by unremitting persistence and industry.

Judge Spencer is the son of Samuel Selden Spencer and Eliza Deborah Spencer, whose maiden name was Palmer. He was born at Erie, Pennsylvania, September 16, 1862, and was partially educated in the public schools of that place. When far enough advanced he was sent to Hopkins Grammar School at New Haven, Connecticut, where his preparation for college was made. He then entered Yale College and there took the full classical course. He was a hard student, fully impressed with the necessity of making the most of his course and yet took time for both outside literary work and physical exercise, being one of the editors of the college daily paper, and a member of the University Lacrosse Club. He not only graduated with honors in 1884, but delivered the philosophical oration of his class. At a date but a few weeks after his graduation from Yale, he decided to come West in search of a location where he could practice law when he had qualified himself for admission to the bar. He reached St. Louis in 1884, where he at once entered the St. Louis Law School. By hard study he passed the examination before the Circuit Court of St. Louis and was admitted to practice a year before his graduation from the Law School in 1886.

The year 1886 dates the beginning of his legal career, which includes his development in ten years from a legal neophyte to a practitioner of experience and reputation and a seat on the woolsack. Not only is he recognized because of his sound legal accomplishments but he has made a reputation as a member of the State Legislature. He is an enthusiastic Republican, is in the councils of the leaders of the party in the State and is rated one of the party's brainy men. He has the confidence of the rank and file, and was active in every campaign up to the date of his elevation to the bench in 1896. In 1885 he was nominated to represent his St. Louis district in the Legislature, and was elected. He was conspicuous from the start in the sessions of the body and wielded a large influence in shaping its acts, a fact due no less to his ability and his thorough understanding of the needs of the people, than to the circumstances that he was placed on more important com-

mittees than any other new member of the House. He was Chairman of the Committee on Banks and Banking, a member of the committees on Judiciary, Ways and Means, Militia, Rules, and was a member of the "Republican Steering Committee," and its Secretary. He labored incessantly and conscientiously while at Jefferson City and the record he made was creditable both to himself and the State. He was elected to his present position as one of the Judges of the Circuit Court of St. Louis at the general election of 1896.

During the short time he has been on the bench he has displayed a knowledge of law, a mental penetration and wisdom, that makes evident the fact of his fitness for the position. He is a gentleman of scholarly tastes and accomplishments and is the holder of several degrees—A. B., from Yale University; LL. B., conferred by the law department of Washington University; A. M. and Ph. D., honorary degrees conferred by Westminster College; and Honorary M. D., conferred by the Missouri Medical College. In the last named institution he has for several years held the Chair of Medical Jurisprudence. Judge Spencer is a member of St. Louis and Mercantile Clubs and is well known in church circles for his activity and benevolence.

He married Susan B. Brookes, daughter of Rev. James H. Brookes, D. D., the famous St. Louis divine. They have three living children, James Brookes, Selden Marvin and Oliver McLean.

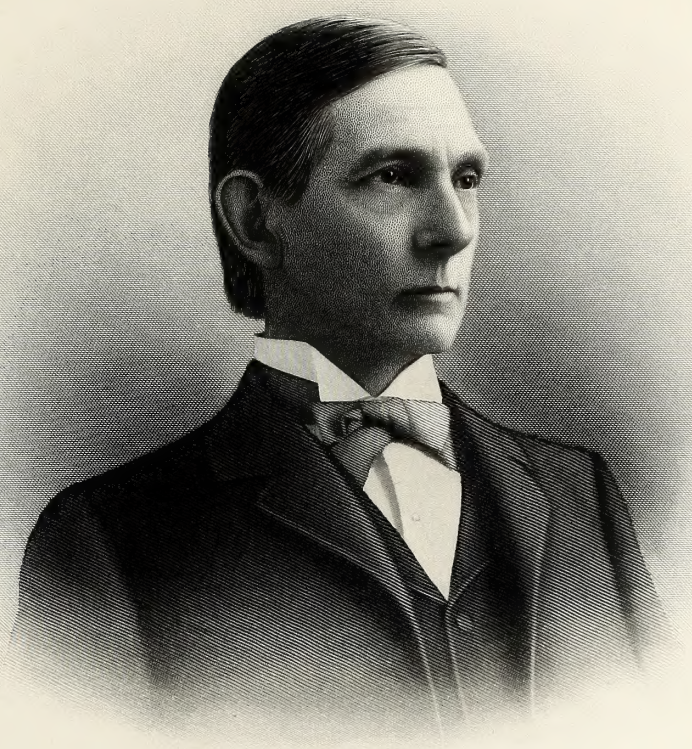
WILLIAM J. STONE,

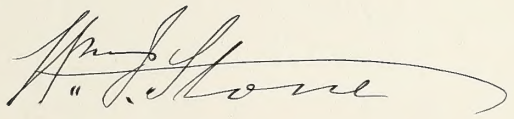
SAINT LOUIS.

WILLIAM JOEL STONE was born in Madison County, Kentucky, three miles north of Richmond, the county seat, May 7, 1848. His father was William Stone, also, a native of Kentucky; his mother was Mildred Stone, nee Mildred Phelps. His grandfather removed from Virginia to Kentucky and was the first Surveyor of Madison County. In Virginia the family from which the subject of this sketch springs, was resident in Culpepper County. There the Stones were prominent among the prominent citizens; and the influence of Virginia, the prolific mother of statesmen, in moulding to greatness the characters not only of her sons, but of her grandsons, is illustrated anew in this case. Among the sons of the first Revolution, his ancestors challenge not only our gratitude, but our admiration, many serving with commanding merit in the Patriot army. Distinguished among his lineal ancestors was Thomas Stone, an able lawyer and a signer of the Declaration of Independence, representing Maryland. He was also sought as a delegate for the great Constitutional Convention, but declined the honor.

Mr. Stone's early training was obtained in the common schools of Kentucky. To his early school days there he often refers with unfeigned pleasure. At the age of fifteen he removed to Boone County and entered the University of Missouri. He began the study of law at Columbia, in 1867, in the office of his brother-in-law, Col. S. Turner, a man whose penetration enabled him to distinguish a rising genius, and whose benevolence inclined him to encourage and conduct it in the path of glory. These were formative years in which he wrought out his intellectual training, and in the moral life learned the difficult yet sublime lesson of self-reliance.

In 1869 he was admitted to the bar and immediately thereafter removed to Bedford, Indiana, and became associated with A. B. Carlton. In 1870 he returned to Missouri and





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settled at Nevada, Vernon County. There he was first associated with Charles R. Scott and that relation continued for eight years. He arose rapidly to prominence and soon became one of the leading men of the county. Later he entered into partnership with D. P. Stratton, now Circuit Judge of the Twenty-sixth Circuit, and in 1890 a partnership was formed with Granville S. Hoss, a brilliant and successful attorney of Nevada. He was made Prosecuting Attorney for Vernon County in 1872, and so continued until 1874. For many years his practice was interrupted by public services, but in February, 1897, he opened law offices in St. Louis, where he was at once made counsel for the Liggett & Myers Tobacco Co., and the American Bonding & Trust Co. of Baltimore, and he has represented the State in many very important constitutional questions. Shortly after settling in St. Louis he was made Receiver for the Mullanphy Savings Bank, in the closing up of whose affairs he has displayed a most admirable business tact and grasp.

Mr. Stone is a great lawyer. Possessed of a remarkable analytical mind, reinforced by the most unerring judgment, he masters with ease the most intricate problems; and in the preparation of his cases he adds to the force of native gifts the most assiduous industry. Great as a civil and constitutional lawyer, he is unrivaled as a criminal lawyer. In the many murder cases which have engaged his attention there has been no one in which his client has suffered capital punishment and few imprisonment.

His career at the bar, though one of distinguished success, has been overshadowed by the most brilliant public life. In 1870 and again in 1872 he took an active part in the fierce political contests in his county. In 1874 he canvassed the entire Senatorial District, composed of Vernon, Barton, Jasper, Dade and Cedar Counties, which after a memorable contest elected Hon. C. H. Morgan a member of Congress and sent Hon. S. A. White to the Senate.

Mr. Stone was Presidential elector on the Tilden ticket in 1876 and he bore the flag of the great leaders from Osage to the Arkansas line and eastward to Webster County, winning a splendid name as one of the hardest fighters among the young leaders in the State. In 1878 he again canvassed the entire district in behalf of Hon. James R. Waddill, the Democratic candidate for Congress. In 1884 he himself was elected a member of the Forty-ninth Congress. He was returned to the Fiftieth Congress and was thereafter recognized as one of the most brilliant of national legislators; he was again returned to the Fifty-first, but declined nomination for the Fifty-second Congress. He has been a delegate to almost all Democratic Conventions held since 1876.

During the six years of Congressional service at Washington he took high rank as one of the strongest men in the Missouri delegation, which by common consent, was regarded as the strongest delegation in the House. He was not only the acknowledged orator of the delegation, but of the House of Representatives as well. His eulogies on Congressmen Burnes, Walker and Cox are among the rarest gems of their kind.

He simply looks to see his duty and does it. In this respect Mr. Stone is absolutely fearless. He it was who struck the first brave blow against the abuses of the pension system. One day he arose in the House and made a speech of surpassing power against the robbery of taxpayers under the guise of pensions. It staggered the House; but whether among his hesitating comrades or confronting his assailants he stood like a rock and spoke as a man. His speech was published throughout the entire country and received the applause not only of every good citizen, but every true soldier, the latter sending him let-

ters and resolutions endorsing what he had said. It was a brave deed, but a very characacteristic one.

In the Forty-ninth and Fiftieth Congresses Mr. Stone was the especial champion of the people in restoring to the Government vast areas of land formerly granted by Congress to corporations. His speech arraigning Judge Payson of Illinois, the Republican Chairman of the Public Lands Committee, for his duplicity and disregard of the public right, was one of the great speeches of that Congress. More than 60,000,000 acres of land granted to corporations from 1862 to 1870 were restored to the people, chiefly as a result of his efforts. His speech against the Force Bill and his masterful summary of the question of the free coinage of silver are familiar to every American.

In 1892 he entered the lists with the most formidable rivals in the contest for the Gubernatorial nomination of the Democratic party, and was, after a most exciting contest, declared the nominee of the party on the nineteenth ballot. He was elected Governor and served the entire term with consummate ability, making one of the most admirable administrations in the history of the State. He assumed the Governorship at a time when the entire political machinery of his party was under the control of inimical forces and with the power of corporate and moneyed influence opposed to him. Gradually he gained control of the situation and so thoroughly routed the opposition that it practically has ceased to exist.

In the National Convention held at Chicago in 1896 he was a prominent figure. He was then and still is a Presidential probability. And now the eyes of conservative men throughout the land have involuntarily turned to him as the guiding star of Democracy.

In the Senatorial contest for the United States he was urged to permit his name to go before the Legislature, but a high sense of honor forbade, he having given his word to the present incumbent, thus practically declining the highest honor the State can bestow.

Among political organizers in the West he is easily first; in the United States he is not surpassed by any one in the manipulation of political forces; and in his own State he is the distinguished corypheus of his party.

An advocate of the free coinage of silver, and the redoubted chief of the bi-metallic currency forces, he stands, and for years has stood, before the country at once the ablest and most consistent exponent of these principles.

Since history gives us no record of a great and positive character which failed to arouse antagonism and divide the sentiments of mankind, we should not expect even in this day and concerning such a character as we are considering to find no opposition and no detractors. The disappointed opponent may indulge the self-gratulatory task of describing in vague generalities a character which has been distorted by his own heated imagination, but to the candid observer is reserved the pleasant privilege of setting out to contemporaries and to posterity his true character, measured by the conservative estimate of those whose ability and liberality have fitted them to judge. But even in the attacks of his opponents his greatness stands confessed. In all his varied political career neither the cankerous soul of Envy nor the envenomed spirit of Hate have ever dared question his integrity. No more honest man ever lived. He is clean, true and savagely uncompromising in his opposition to corruption in politics and in office.

While he possesses the ability and the noblest traits of the truly great statesmen, he does not lack in those generous characteristics which endear one to his fellows. He stands by his friends everlastingly, and champions their cause with a devotion and fidelity that wins for him the admiration of his enemies while it disarms their prejudices.



Seneca N. Taylor

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As an orator he possesses the magnetism which brings his hearers into ready sympathy with the speaker, and he is gifted with the spirit of impassioned eloquence which moves irresistibly the minds of his hearers. Earnest, dramatic, forcible, his tall, spare. erect figure sways and trembles with the ardor of the emotions which second while they aid the expression of his sentiments. All these facts united but serve to show that his public career in the highest sense of that term is but begun.

In person, Mr. Stone is tall, spare, erect. He has a keen, piercing eye, capable of the most profound penetration. He is an amiable, accessible man, with easy courtesy and unassuming manner, yet a man of dignity and self-respecting reserve withal.

He is and has long been a strong Mason, is a member of the Ararat Temple, Ancient and Accepted Order of the Nobles of the Mystic Shrine, and is connected with both the Knights of Pythias and the Odd Fellows.

Of his married life we have deferred speaking until now, for among all the relations of life he is most happy and blessed in this. He was married on the 2nd of April, 1874, to Sarah Louise, the charming daughter of Col. W. K. Winston, of Cole County, Missouri. The father of Miss Winston was a prominent man of that section and the family was one distinguished for beauty and talent. Mrs. Stone is a gracious, self-poised woman, kindly and self-possessed of manner and an ideal entertainer. She possesses an unusually cultivated mind and finds intense interest in the study of the questions of the day. Of this union there are three children. Kimbrough, an academic graduate of the University of Missouri, and a graduate in law from Harvard University. He is now studying in Hanover, Germany. Their two daughters, Mabel and Mildred, having completed their academic course at Mary Institute, St. Louis, are now, accompanied by Mrs. Stone, studying at Paris.

W. Scott Hancock.

St. Louis, Missouri.

SENECA NEWBERRY TAYLOR,

SAINT LOUIS.

SENECA NEWBERRY TAYLOR was born January 1, 1836, at Oakland, Oakland County, Michigan. His father, John Taylor, a pioneer farmer from New Jersey, was of English-Holland stock, and his mother, Leah Shannon (also from New Jersey), of Scotch-Irish ancestry. When the boy was six years old, the young, impulsive, loving mother died, leaving him to the care of the father, a stern, reserved man who, a few years later, brought home a not over congenial stepmother. The early years of the son were spent industriously upon the farm and in attendance at the country school, until the age of eighteen, when he entered Dixon Academy, at Romeo, Michigan. The isolation of farm life developed the stoical and philosophical qualities of his nature, and though his opportunities for schooling in boyhood were meager, he possessed that which Emerson designates as the three influences which form the scholar: "Love of nature, books and action," and in a high degree that other greater attribute, individuality.

In 1857 Seneca N. Taylor became a student at the Agricultural College of Michigan, being the first enrolled at that school. Here he established a reputation for steadiness of purpose and endurance, and was the only one of his class of twenty-six to return for the senior year. On leaving the Agricultural College he took the degree of B. S. at Adrian College, Michigan, where he distinguished himself as a successful debater in the college

lyceum. Then he taught the village school at Lakeville, Michigan, in connection therewith organizing an evening debating society and securing the interest and co-operation of the leading men within a radius of six or eight miles. That winter sentiment ran high and sometimes the arguments were hot and furious, but Mr. Taylor was usually on the winning side.

His success in these contests and the urgency of his friends induced him to adopt the law as a profession. Accordingly, he spent the spring and summer of 1860 reading law with O. M. Barnes, Esq., at Mason, Michigan, and was admitted to the bar that fall, but, with characteristic thoroughness, he took the law course at Ann Arbor and was graduated in 1861. Immediately afterward he opened a law office at Niles, Michigan, where he remained four years, with considerable success as a lawyer, and during that time held the office of Circuit Court Commissioner one term and became a candidate for Judge, but, being defeated after a very vigorous campaign (from which he suffered greatly in health), he resolved to never again permit himself to become deeply interested in politics.

At Niles, Michigan, July 17, 1863, Mr. Taylor was married to Miss Letitia Wayland Chester, who bore five children, four of whom survive. The oldest, Rodney C., is a physician and surgeon of St. Louis; Mary L. is the wife of James Douglas Nettleship; Seneca C. is a lawyer in his father's office, and Carrie W. is a student at Smith College, Northampton, Massachusetts.

In 1865, Mr. Taylor located at St. Louis, Missouri, where he bought a home, opened an office and settled for life, without a thought of failure, since which he has applied himself exclusively to the study and practice of law. With an ardent love for his profession, sanguine temperament and industrious habits he now enjoys the reputation of having the largest consulting clientage in St. Louis. He is far-seeing and sagacious, thorough in the preparation of cases and is regarded as one of the strongest trial lawyers at the bar. His briefs and arguments are candid, clear and logical, and no other lawyer in the State has met with a greater percentage of success in the appellate courts of Missouri. He believes that whatever success he has achieved is attributable to industry and application, and claims that great energy, strong will and steadfastness of purpose, coupled with even moderate ability, is certain to achieve success, while superior intellectual endowments without energy and steadfastness are almost certain to result in failure.

Mr. Taylor was married to his second wife, Miss Mary Morrison (sister of Major J. N. Morrison, Assistant Judge Advocate General, U. S. A.), at Washington, District of Columbia, September 21, 1896. He is now sixty-one years of age. His early life in the country and at the Agricultural College implanted in him an ardent love of nature. Next to his family and profession he loves the society of his scientific library, which is extensive, embracing the latest works of the best English and American authors.

AMOS MADDEN THAYER,

SAINT LOUIS.

A NAME inseparably linked with the judicial history of Missouri, not only because of its possessor's long and distinguished connection therewith, but also by reason of his commanding ability as a lawyer and a Judge, is that of Hon. Amos Madden Thayer, now United States Circuit Judge of the Eighth Circuit. Judge Thayer comes of New Eng-

land or Puritan stock, the paternal branch having emigrated from England in 1630 and settled at Braintree, Massachusetts. His father, Ichabod Thayer, was a grandson of that Ichabod Thayer who was a conspicuous patriot in the issue joined with Great Britain in 1776, giving his country noble service as the commander of a company of Massachusetts volunteers. Ichabod Thayer, the father of our subject, married Fidelia La Due, who from the name, would seem to have been of French Huguenot extraction; leastways hers was a freedom-loving lineage, for her grandfather served in the Continental Army and her father was a soldier of the War of 1812. Shortly after their marriage the parents settled in Chautauqua County, New York, where the subject of this sketch was born, October 10, 1841. The latter there passed his youth, and received the rudiments of an education. At the proper age he entered Hamilton College at Clinton, not far from Utica, New York, and thence graduated with honor in the summer of 1862.

Within three weeks after he received his diploma, the young student enlisted in the Union Army as Second Lieutenant of the One Hundred and Twelfth New York Volunteers. Later, transferred to the United States Signal Corps, he was promoted to the grade of First Lieutenant, and served with this department until the close of the war. Gallantry twice won him the commendation of his superiors. He was first brevetted as Captain for "meritorious services," and again as Major for "gallant and meritorious services during the operations resulting in the fall of Richmond, Virginia, and the surrender of the insurgent army under Gen. Robert E. Lee."

On August 9, 1865, the war having ended, the young soldier resigned his commission, and came West. He reached St. Louis in February, 1866, and during the following summer determined to adopt the law as a profession, and in the fall of that year, at the age of twenty-four, without a preceptor, began the work of fitting himself for that vocation. He was admitted to practice in the State and Federal courts March 3, 1868, and immediately opened an office.

The progress of the young lawyer was at first slow, as he was not disposed to follow the course of mediocrity in blowing its own trumpet. After a time the bar began to see that a young aspirant of no common endowments had entered the field as a contestant of theirs, and when the public also came to take this view of it, the flourishing business he did more than compensated him for the usual wait of the beginning. Soon he was retained by a corporation or two, and then others, among them railways and insurance companies, and his appearance in their behalf sufficiently attested his standing and ability, for, as is well known, such bodies always employ none but the best legal talent to be had.

He was doing a most remunerative practice when in 1876 the first enlarged test of popularity came when his party made him its candidate for one of the Circuit Judgeships of St. Louis. He was elected by a handsome plurality, and the bench served to make his learning and judicial qualifications more conspicuous even than had the bar, and as a consequence when his term ended he was the only aspirant really considered by his party as his own successor. For the second time he was elected, and served until February 24, 1887, when he was appointed United States District Judge for the Eastern District of Missouri, the prestige he had earned as Circuit Judge and the wisdom and fairness he displayed in the administration of the office, having fully merited the promotion he then received. He presided over this court until his appointment in August, 1894, as United States Circuit Judge of the Eighth Judicial Circuit of the United States, of which office he is still the incumbent.

Judge Thayer has never been connected with any secret or fraternal societies, but by virtue of his military service is a member of the Military Order of the Loyal Legion. In virtue likewise of his descent from Revolutionary ancestors, he is a member of the Sons of the American Revolution. On political questions he has well defined convictions, although, as becomes one wearing the ermine, he has abstained from taking an active part in the strife of politics. Having always affiliated with the Democratic party, he has consistently voted that ticket since he cast his first ballot for Seymour and Blair in 1868. On December 22, 1880, Judge Thayer married Sidney Hunton Brother, daughter of Capt. Alexander Brother, a prominent citizen of New Orleans. They have one child, a daughter.

On the first day of January, 1897, Judge Thayer had occupied the bench uninterruptedly for twenty years — ten years as State and ten years as Federal Judge. Few Judges have sat upon the bench for a greater length of time or filled the responsible offices he has held with greater credit or honor. An upright and incorruptible judiciary is one of the greatest conservators of liberty under our institutions, and that it should be constituted only of men of the strictest honesty and the most unimpeachable integrity, is a necessity of the supremest importance. Measured by the highest test of fitness, Judge Thayer in his public service of over a score of years has never been found wanting. On this foundation of probity and honor rests his extended knowledge of the law—a wisdom possible only through a similar experience. In bearing he is the model Judge, combining a modest demeanor with a dignity that invests the procedure of his court with that earnestness which carries the conviction that it is not one man or a score who act, but that the mighty will of the people themselves is there given expression. Diligence is another characteristic of the Judge. While deliberate and careful, he holds time to be invaluable, and hence it is characteristic of his court that the law and trial dockets are always up to date when possible. He is always patient and courteous, and his professional brethren universally accord him the highest respect and esteem.

SEYMOUR DWIGHT THOMPSON,

SAINT LOUIS.

IN Judge Seymour Dwight Thompson, of St. Louis, is found an exceptional instance of that law of evolution wherein resistance of subversive influences develops strength and the struggle to overcome adverse environment promotes growth. He is essentially a self-made man, and occupies his present honorable position in the legal world solely by reason of his own native energy, capacity and talent. If any member of a learned profession in the State has reason to be proud of his achievements, it is the subject of this sketch; for pluck and ability, and not fortuitous circumstance, have been the means whereby he has reached a commanding position as lawyer, Judge and legal author.

Judge Thompson's early life was beset with obstacles which he was compelled to surmount and difficulties which he was forced to meet, and his courage, high ambition and ultimate triumph in resistance should be an inspiration and encouragement to every brave-hearted boy. He was born in Will County, Illinois, September 18, 1842. His father was a Presbyterian clergyman, but lost his voice in consequence of asthma, and was obliged to go to farming to support a large family. He removed to Cook County,



Seymour D. Thompson.

Legal Publishing Co. St Louis

Illinois, when young Thompson was two years old and in 1855 he removed to Fayette County, Iowa, and purchased a new farm. There were no schools in the neighborhood; young Thompson wanted to go to school. He accordingly ran away from home at the age of thirteen and started back to Illinois. He made his way on foot about one hundred miles, and hired out to a farmer in Dubuque County. Here he accidentally found, in the immediate neighborhood, some of his mother's relatives, whose whereabouts had been long unknown to her, and he went to live with them, but did not write home to let his parents know where he was. He had been with them about six weeks, when one day he saw a man approaching him in the field. It turned out to be his next older brother, who broke to him the astounding news that his father and youngest brother—the latter eight years old—had been burned to death in a prairie fire. Their new home in Iowa had been broken up. His mother, this brother and his only sister, two years younger than he, had started back to Illinois. While journeying back in a wagon, they had heard, through an accidental circumstance, of their long lost kinfolks, and, stopping to pay them a visit, found with them their lost boy. Young Thompson's elder brother returned to their homestead, and he took his mother and sister back to relatives in Illinois. From this time on, he was thrown entirely upon his own resources, and was entirely his own master.

Such conditions would have discouraged and crushed a weak and undecided character, but with him the struggle brought to the surface his courage and determination and developed and rounded out his natural mental vigor and strength of character. He suffered the experiences of the boy of that day in straitened circumstances with only the limited opportunities of a rural district but little advanced beyond pioneer days. Until his sixteenth year he worked as a hired boy on the farm, obtaining the means of subsistence in the summer, wherewith he might attend school in the winter. It may well be believed that under such circumstances he was duly impressed with the value of time, and it is no surprise to know that in his sixteenth year he made his first great step forward by qualifying and securing the position of a country school teacher. By this means his earning power was not only increased, but he was given more time to devote to his books. For three years he taught school part of each year, and attended the higher schools the balance of the time. By such means he secured the advantages of Rock River and Clark Seminaries of Illinois, and was preparing to enter college when the Civil War broke out.

As was natural in a youth who had exhibited the energy and force of character of young Thompson, he entertained pronounced and radical opinions on the great questions then dividing men. He was an enthusiastic supporter of the Union and abandoned all his dearly cherished educational plans to respond to the first call for troops. He joined an Iowa regiment as a private and served throughout the war, seeing much hard and dangerous duty. That he bore himself no less gallantly as a soldier than he has carried himself honorably in civil life, is demonstrated by the fact that he came out of the army a Captain. During the last year of the war he was also appointed and acted as Judge Advocate.

After being mustered out he found himself in Memphis, Tennessee, charged with the duty of resuming the struggle to win success at the hands of Fortune. His military position as Judge Advocate had given him some insight into legal methods and turned his attention to the law. He therefore determined to qualify himself in that profession, and as one who has written of his life at this period says: "He set about acquiring a legal education with the same determination that characterized his earlier efforts in his literary course,

under circumstances equally as adverse, though far different in nature, and amid surroundings peculiarly unfriendly to such an undertaking. His means of livelihood during this period of preparation were diversified, precarious, and altogether unsuited to the tastes of a man of his lofty ambition and great capabilities. For a time he served as patrolman on the metropolitan police force of Memphis, almost literally wielding club with one hand and clinging to text-book with the other. Afterwards he secured employment directly in line with his purpose, in the office of the Clerk of the Municipal Court, and afterwards in the office of the Clerk of the Law Court of Memphis, continuing to utilize his spare moments in reading law; and thus, after surmounting the obstructions that lie in the path, in greater or less degree, of every student whose daily bread must be earned desultorily in other pursuits than that in which he seeks proficiency with a view of permanently following, he was admitted to the bar at Memphis in the year 1869; and the career of a lawyer was commenced whose impress has been ineffaceably made upon the jurisprudence of America."

After three years of practice in Memphis, he came to St. Louis, there met and impressed United States Circuit Judge John F. Dillon, who made him Master in Chancery. He continued to rise in his profession until 1880, when against a huge Democratic majority he was elected as a Republican, Judge of the St. Louis Court of Appeals. During the twelve years he occupied that bench he made a reputation which placed him in the galaxy of Missouri's ablest jurists.

Judge Thompson has always displayed a strong literary bent, and after his retirement from the bench he resumed the work in this field, in which he had already had considerable experience. He confined himself wholly to subjects of a legal nature, and has produced a large number of works which are destined to rank as authorities on the matters of which they treat. Notable among these is "Thompson on Corporations," in six large volumes, which is considered a most exhaustive and profound work, and to which the author has contributed the labor, accumulated wisdom and experience of a lifetime. His first work was a compilation on which he collaborated with Thomas M. Steger, of Nashville, and this work is known as "Thompson & Steger's Tennessee Statutes," a work that met semi-official indorsement through its adoption by the Tennessee Legislature for use in the State offices. Before this work was issued he started another—"Unreported Tennessee Cases"—but the printing contract having been let to a new and untried firm, so many errors occurred in the first volume through the fault of the proof-reader, that the author suppressed the entire edition. His next publication sprang from a suggestion of Judge Horrigan, of Memphis, Tennessee, and was a collection of cases illustrating the "Law of Self Defense." Because of this suggestion, as well as the fact that Judge Horrigan furnished the data for a number of the cases incorporated in the book, the author generously named it "Horrigan & Thompson's Cases on Self Defense." Following this came "Thompson on Homestead and Exemptions," "Liability of Stockholders in Corporations," "The Law of Negligence," "The Law of Carriers of Passengers," "Liability of Officers and Directors of Corporations," "Charging the Jury," "Thompson and Merriam on Juries," "Thompson on Trials," and "Thompson on the Law of Electricity." He now has considerable manuscript of books on hand which will be published at some future time.

It was through Judge Dillon, always his staunch friend and admirer, that Judge Thompson began his career as an editorial writer for legal periodicals. Shortly after his arrival in St. Louis, Judge Dillon had established the "Central Law Journal," still recognized as one of the most influential publications of its kind in the West. He employed young Thompson

as assistant editor. Three years after this Judge Dillon retired from the editorial management, and Judge Thompson succeeded him. Shortly after this the "Southern Law Review" was transferred from Nashville to St. Louis, and he also assumed control of this journal, continuing as its editor until the "American Law Review" migrated from Boston and absorbed the "Southern Law Review," the two being yet known by the title of the former. Judge Thompson still continues as its principal editor, and besides has contributed hundreds of articles to other legal journals throughout the country in the last twenty years. That he should have turned out such a huge mass of literary work in these years is remarkable, considering the abstruseness of the subjects and the deep learning and patient care they show. But his friends know him as a man of tireless industry, extraordinary mental vigor and a wonderful memory. He is a constant reader, and there are few books worthy of a higher place in literature that he has not read. As an illustration of his power of retaining what he reads, it is said that twenty years after having read "Paradise Lost," perhaps the most profound and recondite poem in any language, he could repeat the greater part of it readily. A work of his which has long been out of print is his "Recollections" of service in the Third Iowa Regiment, in which are graphic descriptions of the battle of Shiloh, and several other battles of the war.

Judge Thompson, beside his heavy literary labors, continues his practice as a lawyer, having formed in January, 1896, a partnership with Nathan Frank. One would suppose from reading this brief outline of his career that his labors have been sufficient to keep two men busy, but notwithstanding this, he found time to act as lecturer for several years on the Law of Corporations in the Law School of the Missouri University, and likewise in the Law School of the Northwestern University at Chicago.

Judge Thompson attributes much of his success in life to the love and assistance of a noble wife. In the dedication of one of his works he publicly recognizes her assistance, and of her he says: "On almost every page of my works on the law, I can trace the record of your intelligent, loving, patient assistance." The Judge's wife was Lucy A. Jennison, of Fort Atkinson, Iowa, to whom he was married in 1865, while still a soldier in the army. Of this marriage there are five surviving children: Dr. George H. Thompson, practicing medicine in St. Louis, and Professor in the St. Louis College of Physicians and Surgeons; William D. Thompson, successfully engaged in the practice of law in Racine, Wisconsin. One daughter is married to W. C. Middlekauff, a promising young lawyer of Lanark, Illinois; the other to Lemuel A. Harlick, in business in Chicago, and the youngest son has commenced the practice of medicine in Racine, Wisconsin.

THOMAS THOROUGHMAN,

SAINT LOUIS.

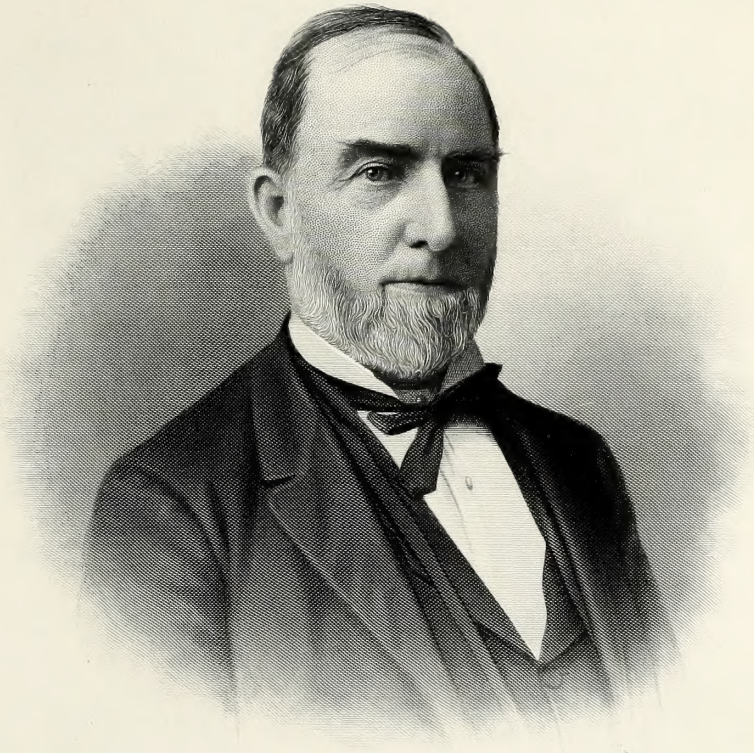
IN Col. Thomas Thoroughman's death the bar of Missouri lost one of its most admirable and worthy members. There was a multitude to mourn his death, for his virtues attached to him many friends, and their grief was as sincere as this brief review of his life and character. He was of that class fast disappearing from the scene of action, a true and pure American gentleman of the old school; one who, from the long residence of his forefathers in this country, had been molded by his country's environment into a true and exact expression of its peculiarities, and because reared close to Nature's heart was one of

her veritable children. Colonel Thoroughman was one of the old Missourians of this type. There was little of the exotic in his character, and although he spent the latter part of his life in cities, the change being wrought especially in the centers of population on the American character by contact with a great foreign population, had little influence in modifying or changing him. The avarice and sordidness of our present age in him was absent and in a happy degree he was as genial as he was unselfish. Simple in his habits, his life and intercourse with men, you were his friend in ten minutes after you first saw him. No one needed to tell you that that broad and noble philanthropy which caused him to look on all men as his brothers, included you. You felt it. His was a strong and rugged character, virile and forceful in all things, but his was also the heart of a child, as tender and as sympathetic. Even his faults were of a kind always human, but never rising from base or sordid passions. Those of the old school knew him best and appreciated him most, and to them his loss was most deeply felt. He died in St. Louis, December 24, 1897.

As has been stated, Colonel Thoroughman was a native of this State. His father was a farmer, and on his farm, lying near the boundary line dividing Buchanan and Clinton Counties, in the northwestern quarter of the State, he spent his childhood and youth. Colonel Thoroughman's education was only such as was to be afforded by the district school, but he was a boy of high aspirations and great mental activity, and as he grew to love books, the rudiments learned in the school were supplemented by an extensive course of self-instruction, which gave him an education more complete than many a scion of a wealthy house brings home from a high-priced Eastern college.

The first important crisis in his life was reached when he made up his mind to become a lawyer. He had attained his majority when he set about carrying his resolution into execution. Leaving home he went to St. Joseph, where he entered the law office of Craig & Jones, then leading practitioners at the Buchanan County bar, where he studied for two years. In 1854 he was admitted to the bar, and began the sometimes heavy work of winning a reputation. An event that helped him greatly in making a start was his appointment, in 1856, as Assistant City Attorney of St. Joseph, being at the next popular election overwhelmingly chosen City Counselor. This office gave him a partial opportunity to get before the public and enabled him to demonstrate his capabilities in a way that brought him a return in largely increased legal practice. After the expiration of his term he was elected Circuit Attorney of the circuit then presided over by Judge Elijah Hise Norton, afterward the distinguished Chief Justice of the Supreme Court of Missouri.

In the midst of the official duties of this position, the Civil War came on. The education and sympathies of the young Circuit Attorney were Southern and he espoused the cause of the Confederacy. He entered the service and displayed all the qualities of the brave and resourceful soldier. He was engaged in many of the skirmishes and exciting struggles of the Western frontier and soon rose to the rank of Colonel. After the battle of Elk Horn Tavern he was ordered forward to reinforce the Confederates then going through the evolutions which finally terminated in the battle of Pittsburg Landing, but his command reached the field too late to participate in that struggle. Later he was one of those commissioned by Gov. Claib Jackson to return to Missouri and raise troops for the Confederate service, and while returning on this mission he was captured by the Federals. Alexander Davis was his companion at the time and was captured with him. After their capture they were confined in various prisons of Missouri for over a year, and were then only paroled by President Lincoln on the express condition that they were to become exiles and



Thos Jhoraughman

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take up their residence in some Western Territory. Colonel Thoroughman chose Virginia City, Montana, and on reaching there in May, 1864, at once opened an office for the practice of law. Being a man of ability, young and earnest, he was soon driving a lucrative practice. Such an impression, in fact, did the young lawyer make on the people with whom his lot was cast, that he was urged to and could have represented the Territory in Congress, but he desired to return to Missouri.

In 1869 he returned East, and opened an office in St. Louis. Afterward Judge H. L. Warren became his associate in the practice, and during this period the firm acted as attorney for the St. Louis, Iron Mountain & Southern Railway. After practicing in St. Louis for a number of years, Judge Warren removed to Albuquerque, New Mexico, and Colonel Thoroughman became associated with Judge Henry S. Priest. This association continued a number of years. In 1893 he formed a partnership with his son-in-law, W. Frank Carter, and his son, Emmet B., which was in existence at the time of his death.

Colonel Thoroughman was a man of wide and varied information. As a lawyer, there were few of his contemporaries who displayed greater sagacity and resourcefulness in practice. He always manifested an ardent interest in public affairs, and was always ready to accord every measure of public benefit his assistance and sympathy. He was a Democrat all his life, and gave that party his time and eloquence in almost every campaign. His personality was of a kind to win the fullest sympathy, and had he essayed the field of politics instead of the law, he would doubtless have won a popularity and success greater even than he achieved in the law. Colonel Thoroughman reared a large family, and had the satisfaction before he died of seeing the most of them settled in life.

LEROY B. VALLIANT,

SAINT LOUIS.

AMONG the lawyers of this generation in Missouri, no one is more justly entitled to have a permanent place in the History of the Bench and Bar of Missouri than is Leroy B. Valliant, now serving his second term as one of the Judges of the Circuit Court of the City of St. Louis. That court has the highest original civil jurisdiction, and before it comes the great mass of litigation incident to St. Louis becoming a metropolis. There have come to him in quick succession numerous cases, affecting not only large property interests, but also the most intricate and important phases of State and municipal laws. Special mention should be made of the various mandamus and injunction cases against executive and legislative officers that have come before him and offered him an opportunity in a marked way to exert great influence in shaping the policy of our laws. His decisions have made it clear that these extraordinary writs, which in late years have become so much more in use than formerly, should be used with great good judgment, learning and care; that there should be no hesitation to apply them with courage and effect when they are rightly demanded, but care should be taken to avoid the abuse of them, to which the tendency of the times would lead. He has been particular to leave ministerial and other officers to the full use of the discretion with which the law clothes them, careful to define the officer's responsibility and hold him to the performance of his duty in a proper case, yet at the same time careful not to trench on the constitutional or legislative prerogatives. That has occurred with election officers, Board of Health, Mayor, Municipal Assembly, Police

Commissioners, State Treasurer, State Bank Examiner, Supervisor of Building Associations, etc.

In State *ex rel* Wear versus Francis, the Board of Police Commissioners were by mandamus compelled to rescind an order it had made declaring that the police would not enforce the Sunday dramshop law in St. Louis, and was ordered to enforce the law; it was contended that there was no precedent for the exercise of such a power by the judiciary, but the Court held that if a precedent was wanting one should be made, and the ruling was sustained by the Supreme Court. But in Neiser versus Williams, the danger of recognizing authority in a Chancellor to control by injunction an election officer in issuing a certificate of election is pointed out, and instances of the abuse of the power cited.

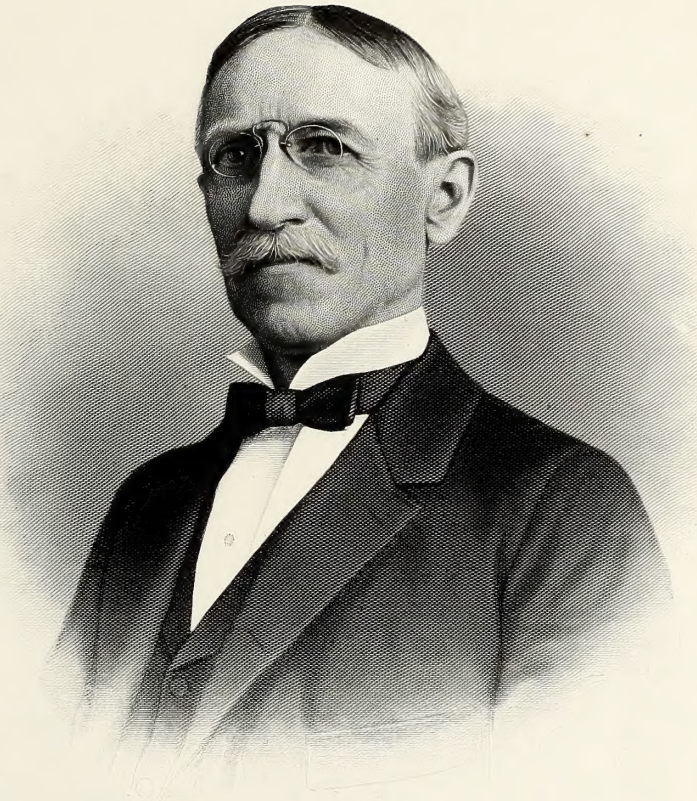
In the recent case of the appointment of a receiver of the Mullanphy Bank on application of the Secretary of State, as head of the State Bank Inspection Department, a decision was given sustaining the right of the Secretary of State to name the receiver, and so elucidating the construction to be placed upon the bank inspection law that the decision is regarded throughout the State as placing the law upon a popular and enduring foundation.

In the still more recent case of State *ex rel* North & South Railway versus Meier, President of the City Council, in which it was sought by mandamus to compel a legislative officer to sign a bill which it was claimed had passed the Council, but which the President refused to sign, the boundary lines between the co-ordinate departments of the government were drawn, the powers of the judiciary over the others defined and the danger of the abuse of the power pointed out. His opinions in these cases of a public character, as well as those affecting property rights of the individual, have been written with the same degree of care, not only as to the clear exposition of legal principle, but also as to elegance of diction, as if they were to appear in regular printed reports.

Having had experience prior to coming to St. Louis in presiding over a court of chancery for a full term, in a State where the old chancery practice was still in vogue, he has been particularly distinguished as a Chancellor in handling the intricate and delicate questions arising in equity jurisprudence. Noteworthy has been his influence in directing the judicial mind in the city and State against the unwarranted use of mandatory injunctions in preliminary hearings.

His high moral character, courteous bearing, unflinching courage and marked learning, have distinguished him on the bench and shown to be natural his effort to dignify the court and bar; to make the young lawyer feel at home in his court; to impress upon members of the bar their high duties, not merely as advocates of their clients' causes, but as officers of the court, assisting in the administration of justice; to treat lawyers as men whose word should always be above question and whose aim should be to aid and not to mislead the Court.

It is of interest to set down something of the lineage and early life that has produced this man. He was born June 14, 1838, at Moulton, Alabama, being the son of Denton Hurloch and Narcissa (Kilpatrick) Valliant. In the paternal line he is of the Valliant and Hurloch families of Maryland — a mixture of French and English; in the maternal, of a Tennessee family, Kilpatrick, which is of Scotch-Irish origin. He graduated in 1856 at the University of Mississippi; in 1858, at the Cumberland University Law School, at Lebanon, Tennessee. He began practicing law at Greenville, Mississippi, in 1859, and from 1861 to 1865 was in the Confederate Army, being Captain of Company I, Twenty-second Mis-



L. B. Valliant

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sissippi Regiment, which regiment he commanded in the battle of Shiloh after all its field officers had been killed or wounded. After the war he resumed practice at Greenville, where he was successful, both as a practitioner and as Judge of the Chancery Court.

In the winter of 1874 and 1875, Judge Valliant opened his office at St. Louis. His reputation had preceded him and he soon took front rank at the St. Louis bar, and was elected Judge of the Circuit Court in November, 1886. Toward the close of his first term of six years, the Democratic Convention nominated him for re-election. The St. Louis bar, with great unanimity and regardless of politics, supported him at the annual election in 1892, although the city of St. Louis was carried by the Republicans in both State and National tickets, he was re-elected by 5,000 majority. He is now serving his second term and not only maintaining but increasing his hold upon the popular confidence and favor.

A careful review of his work as Judge shows that of the several thousands of cases decided by him there have been appealed to the Supreme Court of the State only 187 cases, and of these only thirty-nine, or one in five, have been reversed, while there have been appealed to the St. Louis Court of Appeals only 228 cases, of which only fifty-five, or less than one in four, have been reversed. And a number of the reversals were on minor points, the main points being approved. It is doubted if there has ever been a better record on our circuit bench.

Judge Valliant married in October, 1862, Miss Theodosia Taylor Worthington, daughter of Judge Isaac Worthington, of Mississippi, a veteran of the War of 1812 and a son of a soldier of the Revolution. He has three talented sons, one of whom is a lawyer.

By profession, a lawyer; by religion, a Methodist; by fraternity, a Knight Templar; by application, a scholar; by favor of the people, a Judge; by nature, a modest gentleman, and as has been said of others of the Scotch-Irish race, "full of grit and grace."

BRECKINRIDGE JONES.

St. Louis, Missouri.

JAMES ROBERT VAUGHAN,

SPRINGFIELD.

JUDGE VAUGHAN is the son of Thomas Hatchett Vaughan and Susan Bradshaw Vaughan, and was born at Murfreesboro, Tennessee, January 6, 1845. Little is definitely known remotely of the two branches of his ancestral tree, except that the families were residents respectively of the States of Virginia and North Carolina, at a very early day. His mother was a Lawing, and this was the North Carolina branch. Robert Lawing, his mother's father, was a native of that State and later one of the pioneer settlers of Tennessee, removing thence to Mississippi. He was a man of standing and influence, and in ante-bellum days, a farmer and planter on a large scale, as was likewise his Tennessee neighbor, James Vaughan, Senior, the paternal grandfather of our subject. James Vaughan, Senior, was a native of Virginia who emigrated to Tennessee early in the century. His son, Thomas H., father of James, was a well-to-do farmer and a man of more than ordinary mental attainments. He was more or less a student of men and affairs, and manifested an especial interest in politics, keeping himself posted on all the questions that appertained thereto. In early life he was a Whig, but on the extinction of that party, became a Democrat, and so continued up to the time of his death in Christian County, Missouri, on August 18, 1880. His widow yet survives, making her home with her son in Springfield.

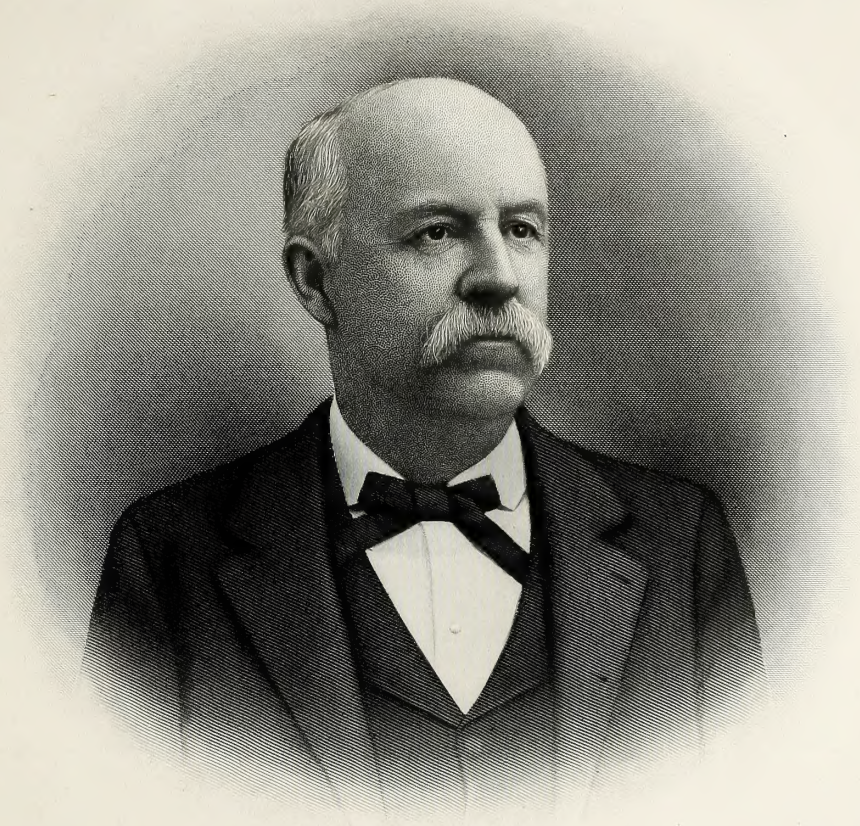
Judge Vaughan's parents left Tennessee when he was five years old, settling in Christian County, Missouri, and at Ozark, the largest town of the county, and at Springfield, he has always resided. The principal part of his education was received at the Ozark high school, which was then considered one of the best in the State. Later young Vaughan went to Tennessee and entered Union University, but his studies there were interrupted by the breaking out of the war.

Notwithstanding his Southern origin, the young student espoused the cause of the Union, and under the pressure of his patriotism, ran away from home, and while he was brought back by his father the first time, the second attempt was more successful, as on March 19, 1862, being then seventeen years of age, he entered, at Cassville, Missouri, Company C, Sixth Missouri Volunteer Cavalry. This regiment was then a part of the command under Gen. Samuel R. Curtis. Part of the regiment went South in the winter of 1862, and it fell to the lot of the young volunteer to participate in much active campaigning, in which he bore himself so bravely that he was made Sergeant Major. He was likewise, for a time, acting Adjutant of the Sixth Missouri. He was one of the army that under Grant sat down before Vicksburg, and he participated in many of the engagements preliminary to the fall of the city. He was at the battle of Haine's Bluff, under General Sherman, at the first attack on Vicksburg in 1863, assisted at the capture of Arkansas Post, was at the battles of Sabine Cross Roads, Pleasant Hill, and numerous others. Near Marksville, Louisiana, he was struck by a piece of shell, but with the exception of this wound, which was not serious, he went through the war unscathed.

When the war ended he was a veteran, although his education was not completed, and he therefore went to Illinois and entered Illinois College, at Jacksonville, where he remained for one year. His next step was to technically fit himself for some vocation or profession. The law was selected and he began its study, which was continued and completed at the University of Michigan, where he graduated in 1868. Returning to Southwest Missouri, he was admitted to the bar at Springfield in May of the same year. After the war and before graduation he taught two summer terms of school. He located at Ozark, that picturesque little town situated amidst the broken and beautiful ranges that lead up to the greater Ozark chain of mountains, and continued there until his removal in May, 1877, to Springfield, the metropolis of the southern part of the State. There he at once entered, with Hon. S. H. Boyd, into a partnership agreement which was continued for about five years.

Returning to his home from the contest for the supremacy of the Union and entertaining a natural sympathy for the Union people, he was for a couple of years affiliated with the Republican party. He was a delegate to the Republican State Convention of 1870, and was one of those who bolted that body because of its proscriptive spirit toward the ex-Confederates and Southern sympathizers of the State, and its refusal to re-enfranchise these elements. The bolters withdrew and nominated for Governor B. Gratz Brown, who was elected. Being a staunch believer in its fundamental doctrines, he has since affiliated with the Democratic party, and in the campaign of 1896 with its "Sound Money" element.

May 10, 1871, Judge Vaughan was united in marriage with Barbara A. Weaver, daughter of John R. Weaver, of Christian County. Mrs. Vaughan was born December 17, 1852, and has borne the Judge eight children, two of whom are dead. Those living are Lena E., who is quite an accomplished musician; Annie C., a graduate of Chicago Female College; Charles and James, who are attending the Springfield schools, and Eleanor and an infant son named Robert Hatchett.



Jas R Vaughan

Legal Publishing Co. St. Louis

Judge Vaughan is rated as one of the most public spirited men of his section of the State, and has contributed much to its development. Actuated by a disinterested civic spirit of patriotism, he has always been a contributor to every movement of public benefit. But while he is this, he is recognized pre-eminently as a lawyer. The law has been his life work and he has been an honor and an ornament to his chosen profession. Being one of the most prominent men in his section of the State, and a member of the dominant political party, with a clean record behind him, he could doubtless have had almost any office to which he would have aspired, but the law satisfied his ambition, and excepting the position of County School Commissioner, he never held any office not in line with his profession. An office which belongs to the law, and is in reality a promotion from the ranks, is that of Circuit Judge. This office Judge Vaughan has held, having been appointed thereto by Governor Marmaduke. He presided over the Twenty-first Judicial District with dignity, fairness and ability, and with a display of judicial acumen and knowledge of the law that greatly increased the respect in which he was held by his brethren of the bar. Since retiring from the bench, Judge Vaughan has continued in practice at Springfield, and is considered one of the leading members of the bar of that part of Missouri. He is known among his neighbors as a man of solid acquirements, who entertains no desire to be rated above his real merit. While conscientious, and of strong convictions himself, he is yet tolerant of the just opinions of others. In his character and intellect he is strong, well balanced and practical; is most esteemed by those who know him best, and is universally regarded as one whose life has been made a success through honest effort and unquestioned ability.

ROBERT FRANKLIN WALKER,

SAINT LOUIS.

ROBERT FRANKLIN WALKER, ex-Attorney General of the State of Missouri, was born at Florence, Morgan County, Missouri, November 29, 1850. He is of mixed Scotch and Welsh stock, his paternal ancestors having left Scotland to settle in Virginia at a very early day. From that State his paternal grandparents, emigrated to Ohio about 1810, thence moving still westward to Missouri in 1837. Mr. Walker's maternal grandparents came direct from Wales and located in Ohio about 1805. In Delaware County, Ohio, both his parents (Belford S. Walker and Abigail L. Walker, nee Evans), were born, but came to Missouri with their respective parents in early youth. Belford S. Walker became a leading and influential citizen of Morgan County, and was one of its county officers for a number of terms. Both parents are now dead. They and their parents before them were plain, sturdy and pious people and contributed an honorable share in more primitive days to the State's upbuilding and progress.

After the usual preparatory scholastic training, Mr. Walker entered the State University at Columbia, Missouri, graduating therefrom in June, 1873. He taught country schools prior to entering the University and also while pursuing his studies. After graduation he entered the law department of the University, and pursued his studies until he received his diploma therefrom. Next he returned to Versailles, the county seat of Morgan County, and actuated by the purpose to become thoroughly proficient in the law, he took a post-graduate course of reading in the office of Hon. James P. Ross, one of the ablest lawyers of that section of the State. After being regularly admitted, the young lawyer went to

Texas, practicing his profession in Young County for the space of a year or more; however, he became convinced that no State equaled that of his nativity, and he accordingly returned to Missouri early in 1876.

The people of Morgan County welcomed his return by electing him, in the following November, to the office of Prosecuting Attorney. That he made a most acceptable official and served the people with fidelity is demonstrated by the fact that they three times re-elected him. Such was the diligence he displayed in the discharge of the duties of public prosecutor, that he could probably have held the office indefinitely; but he had higher aspirations and therefore declined further honors of this kind. In 1885 his hopes were realized in his appointment to the office of Assistant Attorney General of Missouri, Hon. Banton G. Boone, being the incumbent Attorney General. Just at the close of his official term, the Statutory Commission of 1889 was created by the General Assembly for the purpose of revising the Missouri Statutes. Statutory Revision was a subject to which Mr. Walker had devoted much time and study, and on account of his familiarity with Missouri law, he and W. A. Rothwell, of Moberly, Missouri, were appointed by the Commission to assist it in its labors. How well they performed their parts is best ascertained by reference to the preface to the Statutes of Missouri of 1889, in which the Chairman of the Commission, the late Senator S. C. Major, commends them for their valuable assistance.

After the completion of the revision of 1889, Mr. Walker again engaged in the general practice until November, 1892, when he was elected as Attorney General to preside over the office in which he had acted as assistant. Aided by the practical training and knowledge of the details of the office he had obtained while assistant, he brought to the discharge of his duties an ability equal to that of any of the distinguished men who have ever occupied the position. Thus equipped it is not singular that he gave the State a generally satisfactory administration. On the expiration of his term, January 11, 1897, he removed to St. Louis, and opened law offices, forming a partnership with his former official assistant, Morton Jourdan, an association that still continues.

Socially, Mr. Walker is genial, popular and has hosts of friends. He is a member of the Baptist Church, stands well in Masonic circles, and is likewise a member of the Knights of Pythias and the Legion of Honor. He is a lawyer of ability, a gentleman of liberal culture, who reads and thinks above even the high level of his professional work, and the responsible offices he has occupied is evidence of the confidence in which he is held by his fellow-men.

Mr. Walker has been twice married. His first wife was Miss Nannie A. Wright, of Fayette, Missouri, to whom he was wedded September 20, 1877. Mrs. Walker died November 24, 1892, at Jefferson City, leaving two children to the care of the bereaved father—Katherine, aged fifteen, and Leland, aged eleven. September 28, 1895, Mr. Walker was married to Mrs. Geneva C. Percy, of Brooklyn, New York.

JAMES HENRY WHITECOTTON,

PARIS.

JAMES HENRY WHITECOTTON, of Paris, bears a name that is invested with an honorable prestige in the legal and political history of Northeast Missouri. By the paternal branch of his genealogical tree, Mr. Whitecotton is of French Huguenot extraction. Intense lovers of religious and political liberty as they were, his ancestors, when



J. H. Whitecotton

driven forth from France by intolerant persecution, naturally chose that one of the American colonies of Britain, which although nominally an appannage of the English crown, had never given any but the scantest obedience to any element of foreign government, and was really free and independent. Reference is here made to South Carolina, which from the earliest times was the refuge of all those strong and independent men who could brook no tyranny and who held life without liberty as worthless. The Whitecottons settled in that State near the Georgia line, and from there spread into Kentucky, and from Kentucky to Missouri. When that great contest for human liberty, the American Revolution, was precipitated, all of the Whitecotton name who could pass muster, shouldered their flint-locks and marched away to give courageous support to the cause, and it is a notable fact, that Mr. Whitecotton's maternal ancestors were also patriot soldiers in that struggle.

Our subject is the son of George A. Whitecotton and Mary Zerelda Paulding, his wife. George A. Whitecotton, the father, was a son of James Whitecotton, was a native of Kentucky, and came to Missouri with his father's family in 1835 and settled in Marion County. Years later he wooed and won Mary Zerelda Paulding, who was likewise a native of Kentucky, but who came to Missouri with her parents at an earlier date even that the Whitecottons, as her parents settled in Ralls County in 1829. The mother was a granddaughter of John Paulding, immortalized as an actor in one of the Republic's historical events, being one of the three young men who captured Major Andre.

Of the nine sons born to this couple, four became lawyers. James H. was the eldest son, and was born on a farm in Ralls County, June 9, 1854. The instruction of James H. was begun in the district school near his home, from where he progressed to Rensaeller Academy, a locally famous institution of Ralls County a generation ago. Next he took a thorough course at the State Normal at Kirksville, and then entering the law department of the State University, graduated in 1886. The attendance at the University Law School was somewhat in the nature of a post-graduate course, as he had posted ahead of regular events, and by hard study had so far become proficient in the law that he was able to pass the prescribed examination, and was admitted to the bar in Worth County, April 27, 1881. In September following his graduation in June, 1886, he located at Paris, in Monroe County, where he has lived and labored ever since.

Though he has been in professional life little more than a decade, he enjoys a practice to-day that is the envy of many attorneys of larger experience. After locating at Paris, his brilliancy and evident ability were excellent passports to the favor of that people, and he may be said to have at once sprung into a good practice. In 1888 the people elected him Prosecuting Attorney of Monroe County, and again in 1890 as his own successor. His official record is a good one, and tells in the most emphatic terms of the zeal and ability he brought to bear in the administration of the affairs of his office. During the four years he served the people as public prosecutor, of the numerous cases in which he appeared, he had but one that resulted in an acquittal in the Circuit Court, and of the various informations and indictments brought by him, he never had one that was either quashed or held to be defective. In 1896 he was elected to represent Monroe County in the Legislature, and by the members of the Thirty-ninth General Assembly was accorded a high position for a new member, being elected Chairman of the Special Steering Committee of the majority party, and left the impress of his individuality on much of the important legislation of that session.

Mr. Whitecotton is a fluent public speaker. He knows the strength of plain, simple logic and fact, and can employ them to the best advantage. When he has all the facts and right on his side, he presents them with vigor and boldness, and when his case has elements of weakness, he employs his powers of persuasion with all the effectiveness of which he is master. He has admirable good judgment in adapting himself to conditions and circumstances, and thus as a campaign orator he is no less powerful and happy in his power of adaptation than in the court room. Although despite his youth, and the fact that he has achieved a position as one of the first lawyers of his part of the State, his career may be considered as only begun. He has made a splendid reputation as a criminal lawyer, and while he appears in almost every important case of that nature in Northeast Missouri, the bulk of his practice is civil. At this time he is attorney for the Burlington Railroad in Monroe County. As may be gathered from the foregoing reference to his career in the Legislature, he is a Democrat, and one, too, of the deepest convictions. He is a Knight of Pythias, and holds a membership in the lodge where he joined, at Stoutsville, Missouri.

Mr. Whitecotton has a most interesting family, consisting of a wife, two daughters and two sons. The names of the children are: Daisy M., sixteen years old; Tilden, fourteen; Bessie, nine; and James H., six. The wife and mother was Miss Zora A. Wilson, an accomplished lady of Gentry County. She is a daughter of Dr. Andrew Wilson, who during his lifetime was a resident of Daviess County. Mr. and Mrs. Whitecotton were married May 18, 1879.

JOHN ALLOWAY WHITESIDE,

KAHOKA.

THE ancestry of John Alloway Whiteside can be traced to Kentucky, Ireland and Scotland, which in a measure accounts for the eloquence, integrity and enterprise found in his character as a lawyer and a citizen. He was born and raised, like many another Missouri lawyer, on a farm. He is a Missourian and hails Lincoln as the county of his nativity, having first seen the light near the little village of New Hope in that county. His father, Isaac Whiteside, who was also a native of Lincoln County, Missouri, was one of the most progressive spirits in his community, and came of good stock, being a son of William Whiteside, who was a Kentuckian born and bred, and of Irish extraction. William Whiteside died in Lincoln County in 1894 at the venerable age of ninety years. The mother of the present Mr. Whiteside was Mary E. Alloway, her marriage to the father occurring in Lincoln County, Missouri, February 22, 1854. She was a native of Kentucky and a daughter of John Alloway, after whom the subject of this memoir was named at baptism. John Alloway was a Kentuckian by birth, and of Scotch descent, his death occurring in Lincoln County, Missouri, in 1851. Six children, three sons and three daughters, resulted from the union of Isaac Whiteside and Mary Alloway Whiteside, John A. being the second child and second son.

After a thorough rudimentary training in the common schools of Lincoln County he pursued his studies at the Louisiana Baptist College, in Louisiana, Missouri. He completed his course at this college in 1878. There was an interval between the time he left the common school and the time he entered the Baptist College, which he filled by teaching school in Lincoln County. After quitting college the pedagogic spirit asserted

itself again, and he once more taught school. Then he studied law in the office of Judge Elijah Robinson and E. T. Smith, a prominent legal firm in Bowling Green, Missouri, Judge Robinson's fame as a jurist being one of which his State is proud. Completing his readings the young aspirant was admitted to practice in 1881, at the September term of the Pike County Circuit Court by Judge Elijah Robinson. He began the practice of law at Kahoka, Clark County, in March, 1882, and as an instance of his legal ability it would be well to mention here that he has been enrolled a member of the bar of the United States District Court and the Supreme Court of the United States, the latter high privilege being granted in December, 1893. He is still in practice at Kahoka.

From the general public's point of view, Mr. Whiteside is a successful man on account of the largeness of his practice, but he naturally takes more pride in his ability, which is undoubted, than in his success. Eloquence may be spoken of as one of Mr. Whiteside's distinguished characteristics as a lawyer, his native capacity for forsenic utterances being illustrated in the fact that he does not prepare his speeches, but delivers them extemporaneously. He does not even seek the aid of making notes, and as an extemporaneous speaker he is recognized as among the best in Northeast Missouri, his best efforts having been made on the impulse of the moment.

He served two terms as Prosecuting Attorney of Clark County, from 1891 to 1895, and acquitted himself with an ability which redounded with credit to himself and with benefit to the county. In this position he exhibited the traits of which one becomes possessed who has not only learned himself, but has taught others. That is to say, he has learned to combine humanity with wisdom and mercy with justice. In the case of Clark County versus the Keokuk & Western Railway Company, which involved $300,000, due to Clark, Scotland and Schuyler Counties, he was counsel for Clark County, and the cause was carried to the Supreme Court of the United States.

He is an Odd Fellow, belonging to the Kahoka Lodge, and is also a Knight of Pythias, being a member of Kahoka Lodge, No. 198, of which body he was the first Chancellor Commander. He is a leading member of Hiram Lodge, No. 362, A. F. and A. M., and also belongs to the Memphis (Missouri) Chapter of the Royal Arch Masons. His brethren in Masonry have appreciated him to the extent of making him hold the chairs of Senior Warden and Worshipful Master. Born and raised a Democrat, he has constantly advocated the tenets of his party, and so broadly and wisely that his observant neighbors, who are always on the lookout for a good man politically, have frequently urged him to become a candidate for Congress.

He was married May 20, 1896, at Napton, Saline County, Missouri, in the Baptist Church, to Miss Ida C. Lawless, the daughter of T. R. Lawless, one of the best known farmers and stock-raisers of Saline County. They have one child, a daughter, Elizabeth Mary, who was born June 30, 1897.

JOHN GABRIEL WOERNER,

SAINT LOUIS.

JUDGE JOHN GABRIEL WOERNER, distinguished jurist, writer and scholar, has had a varied and interesting career. Born at Moehringen, Stuttgart, Kingdom of Wurtemberg, Germany, April 28, 1826, seventy-two years ago, his parents came to America in June, 1833, when he was seven years old, and settled at Philadelphia. In 1837 they

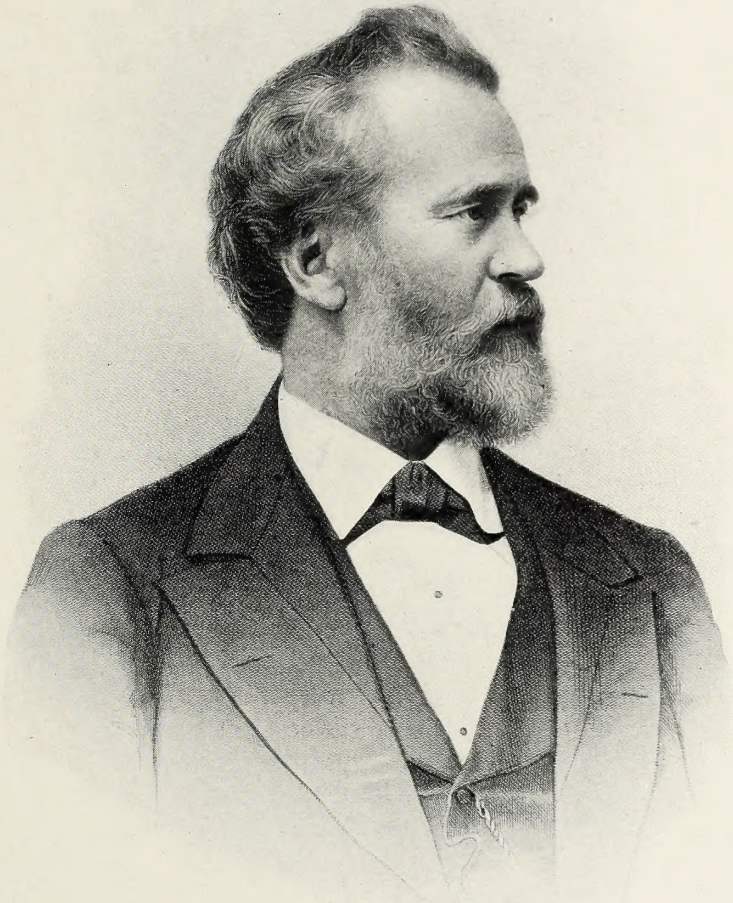
moved to St. Louis and in that city the son acquired his education at the common schools. He became proficient in both the English and German languages, and made the beginning of that course of study and investigation which, though he has passed David's allotted period of life, he still continues.

In 1841, being then in his sixteenth year, he went to Springfield, Missouri, where he entered a store as clerk, and a year later went to Waynesville, Missouri, where for two years he followed a like vocation. Returning then to St. Louis he entered the office of the German Tribune, to learn the printer's trade, serving successively as devil, pressman, compositor and foreman, and acquiring a fund of practical information which he does not consider the least valuable part of his education. He was still working in the Tribune office when the Revolution of 1848 broke out in Germany. The young printer sympathized with this bold stroke for liberty, and being desirous of returning to his native land, he made arrangements whereby he went to the seat of war as the correspondent of the New York Herald and the German Tribune. After spending two years abroad he returned to St. Louis and took editorial charge of the paper on which he had begun as devil. In a short time he purchased the paper outright, changed its political color from Whig to Independent, and then to Democratic. As such it supported, in his memorable campaign, the great statesman, Benton, whom the young editor warmly admired. In 1852 young Woerner sold the paper to a syndicate, ran a job printing office for a while, and then entered the office of C. C. Simmons. He there studied law and was admitted to the bar by Judge Alexander Hamilton, in 1855.

While fitting himself for his profession, he was appointed Clerk of the Recorder's (Police) Court, and this may be considered his first public position. He served two years and was next elected Clerk of the Board of Aldermen. In 1857 he was elected City Attorney, re-elected in 1858, in 1860 was elected for a term of two years a member of the City Council, and in 1862 was elected as his own successor. In the same year (1862) he was elected to the Missouri Senate, and on the expiration of his term in 1866 was returned to the Senate for another four years' term. In 1870 he was elected Judge of the Probate Court of St. Louis, and held the office continuously until 1896, being elected thereto six times. It will thus be seen that from the time he began the study of law until near the present day—a period of forty years—he has been almost continuously in the public service.

The "Law of Administration," as it is called, has been his life study. As a consequence he has reached a position of commanding knowledge in that department, and his opinions on all probate matters are accepted without question. In fact, he is considered one of the highest authorities and is accorded the high respect such great achievements deserve. He is known as a jurist rather than as a practitioner, but the experience gathered from the occupancy of the Probate Bench for a quarter of a century and the knowledge obtained from diligent study of such questions for an equal length of time, give him an advantage possessed by no other before the Probate Court. He is the author of a book known as "The American Law of Administration," which is received as an absolute authority among members of the profession in Missouri, as well as throughout the country. Under the same title he has contributed an article to this work, which will be found of interest to the layman as well as the professional.

For years Judge Woerner has been a contributor both to the standard law journals and the general press. He has also made excursions into the realms of fiction, and of the



J. G. Woerner.

drama. In 1850 he wrote a serial in German, entitled "Die Sklavin," which was published in the German Tribune and afterward in book form. Under the same title, but with different plot and action, he wrote a play which achieved success on the German stage.

The Judge is a gentleman of metaphysical and philosophical bent of mind, and was one of the founders and promoters of the Philosophical Society of St. Louis. Though he has held public office so long, it was not by power of the arts of the politician, but by a general recognition of his merit, probity and ability that he achieved such honors. Though he has never mingled much with the masses, being too strongly inclined to spend every spare moment with his books, he still has always maintained an active sympathy with the people, and is a man of generous and humanitarian instincts.

November 16, 1862, the Judge was married to Emelie Plass, daughter of Frederick W. and Henrietta (Teyssen) Plass, and a native of Germany. She bore her husband five children, four of whom survive. Rose is the wife of Benjamin W. McIlvaine; Ella is the wife of Charles Gildehaus, and Alice is the wife of Sylvester C. Judge. The only son, William F., has patterned after his father, is a practicing lawyer and the partner of his father, who has entered regular practice since retiring from the bench in 1896.

PART II—WESTERN DIVISION.

JURISDICTION OF THE KANSAS CITY COURT OF APPEALS.

THE JACKSON COUNTY BAR.

BY JOHN C. GAGE.

THE history of the Jackson County bar had its beginning on the twenty-ninth day of March, 1827, when, at the house of John Young, the place designated by statute, the Circuit Court first met, David Todd presented his commission as Judge of the First Judicial Circuit and caused it to be recorded, and the Jackson County bar was organized by the enrollment of Peyton R. Hayden, Abiel Leonard, John F. Ryland, John Wilson, Amos Rees, and Robinson P. Beauchamp, as attorneys.

As it appeared then, it was doubtless an event of no great significance, but as we look backward and see it now, it was a most auspicious and imposing inauguration. The names of Hayden and Leonard, Ryland and Wilson, still live in the judicial history of the State; the impress of their lives and characters was set deep, not only upon the bar and the jurisprudence of their day, but on the social structure of the State itself, on its subsequent legislation and administration of justice, and particularly on the character of its lawyers. Men of great ability, learning and power, we still regard them with reverence, and turn to them as the best models for the judges and lawyers of our own day; and it is not without a thrill of pride that the Jackson County lawyer reads this record now and sees that these great and good men stood sponsors to the organization to which he belongs, on the day of its birth.

The county was then much larger in extent than now, embracing the territory now included in several adjoining counties, but the population was very sparse and for many years the increase was slow in comparison with that of the neighboring counties. The prairies, of which it was largely composed, were not, for a long time, believed to be available for agricultural purposes, and a large portion of the best land had been reserved from sale by the usual methods and at the usual prices at which other public land was sold. Great and sometimes violent opposition was made to these unusual sales, and the sales and the settlement of the county were thus delayed.

About 1830, the Mormons began their settlements in the county and soon became the majority of the population, and prophecies and threats were made by them that they were soon to possess and enjoy the entire county, to the exclusion of all others. Disturbance, collision, and what is called the "Mormon War," ensued. One of the early lawyers, named Brazeal, was killed in one of the frays. The Mormons were finally driven from the county in 1833 but the State and Federal Governments were appealed to in their behalf, and their efforts to return still kept the county in a state of uncertainty for some years. During all this time the adjoining counties, undisturbed by such excitements, had been advancing in population and wealth and it is for this reason, probably, that while these other counties have transmitted to us the names of lawyers eminent in their profession at that time, Jackson County has no such in her record. *Inter arma silent legis*, and lawyers are as little heard as laws amid the din of war and tumult.

In the decade prior to the Civil War, the state of affairs had become more settled, the course of Western trade had become established, the migration to California had made large demands on the resources of extreme Western farmers, Kansas was opened to occupation, population rapidly increased, Kansas City made its appearance on the map of the county as a place of considerable commercial importance, and during this period we find, for the first time, in the county, a sufficient number of lawyers of ability and character to constitute a bar.

In 1856, a Common Pleas Court, with limited territorial but otherwise general jurisdiction, was established at Kansas City, and subsequently a bar was gathered at that place, so that at the breaking out of the war, there were some twenty-five lawyers at Kansas City, about twenty at Independence, and several at Westport. The war scattered this band to the four winds, some to the Confederate and some to the Federal army, some to their former Eastern homes, and some to the Western Territories. During the war the courts were practically suspended, and only two or three lawyers remained permanently at Independence and a like number at Kansas City. At its close everything took on a new aspect and new life. Kansas City, the remote border town, was now the terminus of the Missouri Pacific Railroad, and was selected as one terminus of the great trans-continental Pacific Railroad, and a flood of population came pouring into it. With it returned some of the old lawyers to their former homes, and a fair proportion of new lawyers. Many of these were young men seeking their fortunes, and among them were a large number of high training and education, full of courage and determination to deserve and win success. In later years, since they have become the leaders and patriarchs of the profession, they are fond of styling themselves "the Argonauts of 1865," and recounting the difficulties of their early days and the disadvantages under which they labored in their encounters with the old lawyers. In fact, the odds were not all against them. Besides themselves there were about as many other "Argonauts" as there were old inhabitants in the county, and the sympathy and support of these they had. The old lawyers did, in fact, make a formidable array against them. Such men as Russell Hicks, William Chrisman, Samuel L. Sawyer, Abram Comingo, J. Brown Hovey, J. K. Sheley, of Independence, or William Douglas, M. D. Trefren, H. B. Bouton, of Kansas City, were not to be despised as antagonists by any, and they were all thoroughly familiar with the law, the courts, the practice, and the country. It cannot be said that in the face of such competition, these young men were wafted to their present positions "on flowery beds of ease." But these older lawyers were gentlemen of high character. Mr. Chrisman was undoubtedly the leader of them in ability and in practice, and may be taken as a type of the rest. He and his associates were the schoolmasters of all these neophytes. No man ever met Mr. Chrisman, either as opponent or associate, in a trial, who did not learn from him some useful lessons that were not to be forgotten. He taught these young men first, that they could not rely upon any tricks or subterfuges of sharp practice to win cases; his penetrating and subtle intellect foresaw all such attempts, and his address foiled them and turned them back. He taught, too, as few men could teach, the value of thorough preparation of cases and the necessity of constant alertness, watchfulness and vigor, allowing no time for display, in a trial. His associates, in their various methods, furnished similar instruction, and in that school the present bar of Jackson County was brought up. We cannot say that they have "bettered the instruction" of Mr. Chrisman and the old lawyers of his time, but they have followed and profited by it.

The demands of an increasing population and business have brought about an increase in the number of courts and judges, and the establishment of Appellate and Federal Courts in the county, and the history of the bar from 1865 to the present has been one of constant increase and advancement in its numbers, character and influence. In 1867 there were about sixty lawyers in Kansas City and thirty in Independence; in recent years, the number for the county has been somewhat over five hundred.

Probably nothing ever contributed more to advance the interests, and maintain the character of this bar, than the acquisition of its law library, which it secured in 1871. At that time the Kansas City Law Library Association was formed, and one of the most complete libraries in the country purchased. The effort was a very great one for the narrow means available, but it was carried through successfully, and thus was obtained the only possible means of a thorough preparation and consideration of cases. Good use was made of the library obtained at so much trouble and expense, and good lawyers and good law were produced by it. It is certain that neither the Federal nor the Appellate Courts would have been established in Kansas City when they were, if the bar had not provided this library. The real estate in Kansas City was then becoming very valuable, and the titles were in a state of the greatest uncertainty. The old French and Indian settlers had traded and conveyed this property with as little formality as they conveyed their horses and cattle. The difficult work of establishing these titles fell upon the courts and the lawyers.

In 1871 the Circuit Court was established at Kansas City, Jackson County was made a judicial circuit by itself, and Samuel L. Sawyer, a very able land lawyer, and a remarkably skillful pleader and practitioner, was made Judge. In settling the difficult questions arising out of these disputed titles, this library was constantly used by day and night, for years, by Judge and lawyers, and thus the titles were finally established on sound legal principles and without substantial loss or injury to any just rights or claims. This great work was faithfully performed by the courts and the bar, and has been of inestimable public benefit, in making firm and stable the foundations on which is built a great city, while the performance of the work has developed many excellent lawyers.

Many complications arising out of the war and the disorders incident to it, required settlement in the courts, and the questions arising were new and difficult. In the meantime a great city was springing up from a small beginning, with unheard of rapidity. Vast, far-reaching enterprises, starting on weak foundations, were taking shape and form and advancing to consummation. To properly frame and direct and guard this great and unexampled growth and development, has been a work to task the best legal ability. It is enough to say of this bar that it has always shown itself equal to these great demands. Never, anywhere, has there been a greater field for the exercise of all the skill of lawyers, and if the question is ever asked how it was that this bar acquired the equipment necessary to fill it, the answer is made by pointing to the library, obtained with so much effort in their years of poverty, and used so well. In its use they have been workers—not plodders—intelligent workers, with the great motto always before them: "*No question is ever settled until it is settled right.*" Courageously acting upon this motto, many an erroneous decision of the Superior Courts has been modified or reversed at their instance.

For several years past the bar has maintained the Kansas City Bar Association, which, unlike most associations of the kind, has not been permitted to drag out an existence of "innocuous desuetude," but has had a life of continuous, useful activity. Through its influence, much useful legislation has been secured; in its frequent meetings matters of pub-

lic law are the subject of profound and earnest discussions and disquisitions, while its annual banquets furnish the means of forming and cementing the relations of acquaintance and good-fellowship between its members and the leading judges and lawyers of this and other States, and its general influence has been most efficient in maintaining and advancing the standard of professional honor and integrity.

This bar has furnished to the State two of its most learned and useful Supreme Judges —the Hon. Warwick Hough and Hon. Francis M. Black, while it has a fair claim to a third, in the person of the Hon. John W. Henry, by reason of his having passed a span equal to an ordinary lifetime, as one of their number, although it is but fair to say that several other counties have a similar claim on him.

The old bar of the war period has passed away; a few veterans, it is true, "lag superfluous on the stage," but the ranks are filled and the work is done by men of a younger generation. In all its history it has borne its part well as an important member of the body politic. Measured by any fair standard it compares favorably with similar bodies elsewhere, and it justly possesses the confidence and respect of the community where it exists.

Kansas City, Mo.,
January, 1898.

WELL-KNOWN MEMBERS OF THE EARLY BAR OF JACKSON COUNTY.

BY DANIEL S. TWITCHELL.

JACKSON COUNTY as early as 1848 became the undisputed master of Western commerce, and from that time to the present with increasing momentum, the forces of nature and human enterprise in happy union, have contributed with mighty power to maintain the local supremacy so early gained as against all competition in the modern march of empire. Richly ladened as this favored part of Missouri may be at the present time or in the distant future, with the gathered and created stores of art and mechanical industries and the fabulous treasures of nature for human enjoyment, so long as history remains and is conned by the student and seeker of human happiness and wisdom, there will never be witnessed or known a time or condition when the days and experiences of the early settlers, in all walks of life, of Jackson County may not be regarded with sentiment akin to envy and admiration. As in subduing the wild and prolific fields of nature, the building of homes and temples of worship, and cities with ever increasing marts of trade, Jackson County has ranked conspicuously in the front of the great Western van that has long since marched its triumphant column along a field the fairest and brightest in all the earth to possess and enjoy, so has she been justly renowned for men of learning, eloquence and unsurpassed genius, members of the early as well as the present bar of Jackson County.

The writer of this article has personally known all those who are at any length mentioned herein, and it is hoped, on his part, that whoever may peruse these pages will be enabled by his efforts to see and appreciate the lives and characters of those whose names appear as members of the Jackson County bar, as they were acted and shadowed forth in life by the parties themselves.

Samuel H. Woodson.—Hon. Samuel H. Woodson was perhaps the most popular man who ever practiced law in Jackson County. He was born in Jessamine County, Kentucky, October 18, 1815. He was a graduate from Center College, Danville, in that State, in the year 1835. He took a law course at Transylvania University, Lexington, Kentucky, and graduated with the class of 1839. He entered upon the law practice first at Nicholasville, in his native State, immediately after receiving his honors from Transylvania, but before the end of the following year he was permanently located in Independence, which has been the home of many of the ablest lawyers of Missouri. His associates in the law practice from 1840 to 1856 were William Chrisman, who afterwards attained to eminence as a lawyer, and Abram Comingo, the noblest Roman of them all. In 1856 Mr. Woodson was elected to the Congress of the United States upon a strictly Whig platform, and to the manifest surprise of the opposition he was re-elected with a substantial majority, to the same then dignified office in 1858, a year in which the first dark clouds of military conflict began to settle around a devoted people. After the war had been waged, peace restored and Missouri had entered upon her great career of commercial supremacy, there needed no other inducement

to cause the Hon. Samuel H. Woodson to resume his law practice, uniting his labors with those of J. K. Sheley, also of Independence. He continued in practice until his appointment as Judge of the Twenty-fourth Judicial Circuit, in the place of Samuel L. Sawyer, who had, March, 1876, resigned on account of ill health. In 1880, at the November election, Mr. Woodson was elected to the same position, which he filled until his death, which occurred January 23, 1881.

To furnish a reason for, and analysis of the unusual and admitted power of Judge Woodson over the masses of the populous county of Jackson, might lead to a discussion fruitful in anecdotal reminiscences, but is not possible in my allotment of space in this work. Especially with the older residents of the county did he exercise a power almost unlimited and with them his word was law. Emotional, magnetic, with gracious and cultivated demeanor and with an honest interest in the well-being of humanity, he held almost supreme sway over the political conduct of Jackson County's best citizens. Tender and sympathetic as a woman, time with its fitful changes, swept by and around him, but left the flowers of youth blooming in his heart which may have detracted from his dignity and impressiveness as a lawyer but did not hinder his elevation to imperial and exalted position in the affection and good will of his people.

William Holmes.—William Holmes will be long recalled as the only member of the bar of Jackson County who might, on occasion go from the court room and its worldly scenes, to a prayer meeting and be equally influential in either gathering. Judge Holmes came to Missouri in the year 1868, from Augusta County, Kentucky, where he was born March 2, 1814. Of Scotch-Irish stock on both the maternal and paternal sides, he exhibited in mental and physical constitution, the peculiar traits of the nationalities represented in his individual make up. With nearly an even race with the Judge between law and divinity for some years in the northwestern counties of Missouri, he finally laid aside his inclinations toward the priestly office and assumed exclusively the ancient and highly honorable gown of lawyer and Judge, resuming his career at the bar in Johnson County, Kansas.

Judge Holmes read law at Palmyra, in the office of that great luminary of the Missouri judiciary, Samuel L. Glover, and was duly licensed to practice law in the year 1839. In 1867 he moved to the ancient town of Shawnee, Johnson County, Kansas, and was appointed by Governor Robinson, Probate Judge for that county. In 1862 Judge Holmes, with his family, located in Kansas City, where he continued to reside and follow the law, up to the time of his death, in 1888. In 1866 he formed the notable and successful law firm of Holmes & Black, that stood for many years at the head of the law business in Kansas City. With increasing years and experience Judge Holmes steadily developed into a most eminent and able lawyer and when past the age of sixty, loved the work to which he exclusively and successfully devoted the last years of his life.

Judge Holmes in the years 1876 and 1877, at a very critical period in Kansas City's history, served in the Common Council and did much to restore public confidence in the city's future growth and credit. As a conversationalist, Judge Holmes excelled, and in the art of winning doubtful verdicts from a jury, his record was little inferior to the best and most eloquent pleaders of the bar of his county. He never grew old, at heart at least, was pure and clean in private and public affairs, fond of manly and athletic practices, a faithful friend and at all times a thorough gentleman.

Robert E. Cowan.—Robert E. Cowan, one of the lawyers who came to Kansas City following the close of the war, and as his history shows in 1868, is justly entitled to more than a mere epitome or brief sketch of his life and character. Judge Cowan was certainly no common man; he was in fact a person of unusual ability and his scholarship and knowledge of the law were profound and critical. His only weakness consisted in his not keeping up the studies of his early years. As a pleader he seldom made mistakes and in his declarations of the law while serving as the first and only Judge of the Special Law and Equity Court of Jackson County, he was generally sustained by the Supreme Court whenever an appeal was taken from his decision. He sought only to ascertain the truth of an investigation and was willing to perform unusual labor to effect the ends of justice.

Judge Cowan was born in Staunton, West Virginia, in 1830. He served in the Legislature of his native State, in the Confederate Congress and also in the Confederate army under the immortalized leader and soldier, "Stonewall" Jackson. After his arrival in Kansas City, he first entered into partnership with the Hon. John T. Crisp, and next was associated with Warwick Hough, now of St. Louis, who became one of the Judges of the Supreme Court. Judge Cowan became very prominent in the Pythian order and removed to St. Louis, where he died July 14, 1887.

J. Brown Hovey.—J. Brown Hovey, one of Jackson County's most brilliant and successful lawyers, was a native of the State of New York, whence he came to the City of Independence, Missouri, in the year 1843.

A complete and perfect sketch of the life of this most remarkable man would include the best part of the more notable events connected with the early bar of Jackson County, which possessed many members who aided in making the bar of the State not inferior to that of any of the older States of the Union. The records of the courts of this county, and the reports of the Supreme Court of the State contain monumental proofs of his industry, his training, and of his personal triumphs in the profession he loved and always adorned.

Mr. Hovey was by rare gifts of nature fitted for the profession of the lawyer and advocate. His mind and temper were essentially that of the controvertialist rather than of judicial mould. He loved applause, earned it, and received it liberally from court and client. His efforts before a jury were brilliantly effective, and he displayed masterly power in his analysis of the facts of the case. In his argument to the court, he combined the powers of the orator and rhetorician, supplemented by the sturdy blows of the master of logic, and in the appellate courts, with brief and oral argument, he rarely submitted his case until discomfiture and defeat were the unwelcome rewards of the efforts of his opponent.

It may be interesting to record one of the many episodes in the early history of this most remarkable man, which was related years since to the writer by an esteemed member of the Independence bar, is herein inserted as part of this sketch, and illustrates the novel way young Hovey adopted to popularize himself with the solid yeomanry of Jackson County. One bright Sunday in October, 1846, with the finest turnout that the city of Independence possessed, with driver and equipage, and himself proudly seated therein, a farmer's home some miles in the country was his destination. In superb style, and with due regard to his importance as a rising young attorney from the beautiful city of Independence, he stepped proudly from his carriage to the door of his farmer friend and acquaintance, who he discovered was not at home. To the young colored lad who meekly listened to his statement of the object of his unlooked for visit, he said, in his grandest

style of delivery: "When your master returns, say to him that Mr. J. Brown Hovey, attorney and counselor at law from Independence, called to see him to-day," and drove proudly away. Deeply impressed with the superb manner of the brilliant young attorney, and the importance of the message, upon the arrival of the astonished and perplexed countryman, his black boy, with the imitative faculty of his race, proceeded to deliver in like manner the message he bore: "Mr. J. Brown Jehovah, eternal counselor and lord, called upon you to-day and left this, his card, to be given you with his compliments, on your return this evening."

James K. Sheley.—Hon. James K. Sheley was of the class of men born in Kentucky in her best days, and of whom, without desire to belittle one or exalt another, Abraham Lincoln was a type and leader. Unequal in mental power to the "Great Emancipator," in personal appearance and the virtues of rugged honesty, James K. Sheley might justly be said to belong to the class of Kentuckians of whom the "Martyr" President may be named as supreme in true nobility of character.

Mr. Sheley was born in Fayette County, March 7, 1815, and came to Missouri with his parents in the year 1828. His early opportunities for education were not such as the youth of the State now possess, but he could not rest satisfied until he had acquired a good English education, enabling him to become a competent instructor in the elements of the English language.

With small knowledge of the classics, he studied law and was admitted to the bar in 1839, before Hon. John C. Edwards, a Justice of the Supreme Court of the State. In the year 1852 Mr. Sheley made his home in Independence and was associated with the Hon. Samuel H. Woodson in the practice of his profession for nearly ten years.

Mr. Sheley was devoted to the interests of his clients and friends and they trusted him implicitly. He was a safe counselor, without extraordinary talent, little wit and small humor. He will be looked to as a safer mentor for the young members of the bar than some of those whose talents shine forth on all occasions with transcendent brightness. He died at his home in Independence, Missouri.

J. W. Dunlap.—Whoever may wish to recall the lives and names, or it may be only some of the incidents or events related of the lawyers of Jackson County, between the years 1869 and the present, would not be satisfied if J. W. Dunlap's name was not found among those who are deemed worthy to be enshrined in the pages of impartial history. By reason of great purity in personal conduct as well as commendable zeal for his clients and unselfish work in behalf of the public and his home city, Mr. Dunlap is worthy of remembrance. He must be considered the peer intellectually of many of his associates at the bar, and he possessed a well balanced mind, unobscured by illy directed study, possessing the alertness and activity of a well trained athlete. Judge Dunlap was of most excellent family stock. The natural quality of his mind was high, and he possessed a fine judicial spirit and temper, and had he lived his career as Judge would have been satisfactory to himself and his many admirers at the bar.

He was born March 13, 1845, in Monroe County, Virginia. The best part of his education, literary and legal, was obtained at the Washington and Lee University, at Lexington, Virginia, he having been graduated therefrom in the law department of that University. Judge Dunlap came to Kansas City in the year 1869 and at once entered with spirit upon the practice of his profession. In this, as in all other cases, an opening was made for him, when it was known that a positive and valuable factor had been added to the bar of the

county. In 1871 he was elected City Attorney; in 1874 appointed City Counselor; in 1881 he became Police Commissioner and his appointment was renewed for the same office in 1884. December 4, 1884, the Governor appointed him Judge of the Jackson County Circuit Court to serve out the unexpired term of Hon. F. M. Black, a position which he never filled, by reason of his unfortunate and accidental death, caused by the falling to the floor of his office of his own revolver and the explosion of a cartridge, resulting in his death on the fifteenth day of January, 1885, nine days after the accident.

Richard O. Boggess.—Richard O. Boggess was born in Kentucky in the year 1833. Having read law in the office of Judge Charles Eaves, of Greenville, of that State, he was admitted to practice in 1855. He opened a law office in 1856 with Judge William P. Wood in Harrisonville, Cass County, Missouri, and excepting the four years of the war, they remained together in the law practice until the fall of 1873, when Mr. Boggess located in Kansas City. From that time he ranked as one of the leading lawyers at the bar of Jackson County. He was associated first with Hon. John L. Peak, John K. Cravens, and later with Milton Moore. He died in 1897.

Mr. Boggess was one of the ablest and most profound lawyers, not only in Jackson County, but of the entire State of Missouri. He was almost entirely a self-educated lawyer and scholar, and was at all times and in all the courts master of the situation and fully equipped for the work in hand. In personal appearance he was notable because of his dignified and scholarly bearing, and few men surpassed him in ability to express the exact shade of thought by him sought to be brought out in his argument. He was potent, masterful and exhaustive in all his efforts, no matter whether the subject under consideration was of small or great importance. He did all his work well and his record as lawyer may well be the subject of emulation and pride.

Judge Henry P. White.—Judge Henry P. White, at the age of twenty-four years, in February, 1866, came to Kansas City, having lived in St. Louis from October, 1865, to the time of his arrival in Kansas City. Born in Potsdam, New York, descended from Irish and Scotch-Irish ancestors, his last years of school life were spent in St. Lawrence Academy, New York. The population of Kansas City in 1866 was not more than 7,500 people. In 1868 he was elected City Attorney, and again in 1870. In October, 1874, he was appointed Judge of the Criminal Court of Jackson County, and was elected to fill the same office at each judicial election thereafter to the time of his death, July 20, 1892.

Few men have lived in Kansas City who had more friends or who made a better defined impression upon society as a man of marked ability and intellectual force than Henry P. White. His social qualities by nature were of the finest order. His mental vision was clear, and the exceptional facility he displayed in the expression of his thoughts and opinions made him invaluable as a friend and champion, but to be feared and avoided as an antagonist in any field. He was courteous in his bearing toward all men, and chivalrous and knightly in his respect for the rights and welfare of woman.

Judge White was prominent in Masonic circles, and had occupied high places in the order. At the bar, arguing the cause of his client, upon the rostrum, on the Judge's bench, or in society's politest gatherings, he always was peerless and ideal in manly dignity and personal accomplishments. Judge White died at an age when most successful men are doing their best work—close to the half century mark. Shattered and broken by disease, he tried in vain to regain his wonted health, and still wearing his judicial toga, the light of

his great mind went out at the age of fifty years. Henry P. White was mourned by citizens in every walk of life.

Henry B. Bouton.—Henry B. Bouton was a member of the Kansas City bar before the writer came to Missouri in 1865. The hotel building at the southeast corner of Missouri Avenue and Main Street, then called the Union Hotel, and now replaced by the Nelson Building, was where he had an office. He was called Judge Bouton, but whether correctly or not it is impossible to put down in verity. It was he who in taking an appeal in a case of doubtful merit, made oath that, "the appeal was not taken for vexation but for delay."

Mr. Bouton was, all in all, a unique character. With his quick and resourceful mind he would never have been a failure in any field. The habits and customs of those with whom he lived he adopted without a protest, no matter what the environment might be. He wore the garb of farmer or lawyer, Union or Confederate, with equal pleasure and stoical indifference. Of wiry build and with a tongue that revelled in sarcasm, he was loved by few and admired only by those who knew him imperfectly.

He was born in Cattaraugus County, New York, February 22, 1815. After leaving his native State he lived for short periods in Ohio, Kentucky and Tennessee before he located at Kansas City, where he died in the autumn of 1868. He was a typical follower of Blackstone of the early post bellum order, occasionally met with in the State of Missouri.

William Douglas.—William Douglas, coming in the early summer of 1864 from Boonville, Missouri, where he had already earned by his eloquence and superior scholarship a splendid reputation as a lawyer, located in Kansas City and became the senior member of the firm of Douglas & Gage, a position he occupied for many years thereafter. He was polished in speech and of imposing manner, with a voice full of harmonious gradations and with considerable power as a natural elocutionist. He was a native of Wheeling, West Virginia, where he was born January 22, 1822.

When a member of the State Convention of 1861, Judge Douglas made many of the best and ablest speeches in favor of the Union cause, delivered before that distinguished body of men. The writer of this brief sketch recalls his association with Judge William Douglas with pleasure and regret. No one who understood his character and knew his great mental power and true worth, but must have been moved to the strongest sentiments of sorrow over the helpless condition of Mr. Douglas and of his family, pecuniarily, at the time of his death in the city of San Francisco, August 2, 1876.

Abram Comingo.—The Jackson County bar has been in the past, even more than at the present time, largely indebted to the State of Kentucky for many of its most eminent lawyers, and this fact is specially exemplified in the life and character of Hon. Abram Comingo. Mr. Comingo was born January 9, 1820, in Mercer County, Kentucky. He received his first mental training from the common school, which was supplemented by a good academic education. After thorough preparation, obtained in a lawyer's office, in 1848 he was licensed to practice and opened a law office at Independence, Missouri, in that year, as member of the firm of Chrisman & Comingo. The firm was changed to Woodson, Chrisman & Comingo in the following year, and as so constituted, was known far and wide as the strongest combination of legal ability in Western Missouri, a reputation maintained by it until 1856, when Mr. Woodson retired to enter the field of politics. The old firm remained together as Chrisman & Comingo until 1862, doing a lucrative business, respected by court and bar throughout the State. Mr. Comingo, like his native State, bravely defended the Stars and Stripes so long as the Union was in danger.

In 1861 Mr. Comingo was elected member of the Missouri State Convention, perhaps the most notable body of men ever assembled in the State for the accomplishment of a work, the weighty import of which is not in this generation fully appreciated. President Lincoln appointed him to serve as Provost Marshal, from 1863 to the close of the war, with jurisdiction over the entire Sixth Congressional District of Missouri. He served two terms in Congress, being the first time elected in 1870 and again in 1872, from the Kansas City district. In 1882 he was a member of the firm composed of the Hon. John F. Philips, now the able occupant of the Federal Bench, and James H. Slover, the present able and impartial Judge of Division 2 of the Jackson County Circuit Court.

Mr. Comingo was a lawyer of faultless habits, of great energy and accuracy in his work, brave but unoffending in his professional intercourse at the bar, fearless in the utterance of his convictions, yet unobtrusive and courteous to all men alike. He fought his legal battles with his armor on, and no man ever had need of a more princely opponent. His position once taken, he defended his lines and legal outposts against the strongest and most determined charges of the opposition. As he was a gallant fighter, so was he a loyal and true friend in the simpler walks of life. Always ready to aid the younger and less favored members of the bar, for some years preceding his death, which occurred at his home in Kansas City in 1889, he was looked up to and loved as the father and idol of the Kansas City bar.

John K. Cravens.—John K. Cravens was born in the County of Ripley, State of Indiana, August 14, 1848. His ancestry on his father's side was Irish and his mother was of Holland parentage. At the age of eighteen, after having attended the common schools of the part of the State in which his parents lived, and later, a so-called boarding school, he took a position in the office of the Clerk of the Circuit Court of Marion County, Indiana. After having read law with Jonathan W. Gordon, at Indianapolis, he was admitted to the bar in 1859, in Daviess County, Missouri, practicing in the courts at Gallatin and St. Joseph, Missouri, until 1862, at which time he returned to Indianapolis and entered the Adjutant-General's office of that State and there remained until he was transferred to the field, in 1863. In the month of May, 1865, Mr. Cravens, having received his discharge as a Union soldier, cast his lot, as did so many others at that time, with the fortunes of Kansas City, with which he was to become so closely identified as lawyer and social and intellectual leader. He was appointed Prosecuting Attorney of the Kansas City Criminal Court, and not until the court was legislated out of existence in 1871, did he cease to perform its duties.

Mr. Cravens was a man of medium stature, most engaging manners, and at times his arguments to the court or before a jury were lofty and full of eloquence. He was always on the side of progressive measures and advanced legislation, affecting the welfare of Kansas City and her people. A large tax payer himself, he never sought to avoid the burdens of municipal government, knowing that no permanent progress could accrue to the city unless every citizen did his duty. Knowing that money spent in improving and beautifying the city was bound to prove beneficial to every citizen, his public spirit was manifest at all times and his voice and pen were always ready to promote the highest good of all the people, without distinction as to class or creed or station in life. He died in October, 1892.

Kansas City, Mo.,
January, 1898.

BENCH AND BAR OF THE "PLATTE PURCHASE."

BY ELIJAH HISE NORTON.

THAT portion of the State known as the "Platte Purchase," by the efforts of Thomas H. Benton, one of our Senators in Congress, was annexed and made a part of Missouri in 1837. For judicial purposes it was attached to the Fifth Judicial Circuit and the first court was held in March, 1839, at the Falls of Platte River by Austin A. King, Judge of said circuit. The above territory was surveyed and opened up for settlement in 1840, and attracted by the great fertility of its soil, and the geniality of its climate, it soon became more rapidly populated than any other portion of our commonwealth, by an energetic, intelligent and thrifty population.

Soon thereafter the six counties comprising the annexed territory, viz.: Platte, Buchanan, Andrew, Holt, Nodaway and Atchison, and Gentry County in the older portion of the State, were organized as the Twelfth Judicial Circuit and David R. Atchison was appointed Judge, which position he held till 1844, when he resigned, having been appointed one of our Senators in Congress. The vacancy thus created was filled by the appointment of Henderson Young, of Lexington, who after a short term of service was succeeded by Solomon L. Leonard, who was succeeded in 1850 by William B. Almond, who resigned in 1852, and the office having then become elective, the writer of this article was elected to fill the unexpired term of four years and was re-elected in 1856 for the term of six years, and having been elected in 1860 to represent the district in Congress, resigned, and was succeeded by Silas Woodson.

Not many years thereafter the density of the population, and the greatly increased legal business in the circuit necessitated changes in its borders until now the original territory of the Twelfth Circuit has been organized into what is equivalent to three entire new circuits, and one-fourth part of two other circuits.

In consequence of the value of the land in the six counties above named it was eagerly sought, and contests over pre-emption rights gave rise to a great deal of litigation, there very frequently being two or more claimants to a quarter section.

The bar of the old Twelfth Circuit was composed of some of the ablest and best lawyers of the State, among whom may be named, General Alexander W. Doniphan, who when war was declared with Mexico, raised a regiment with which he invaded New Mexico, capturing Santa Fe, and after fighting and winning the brilliant victories of Brazito and Sacramento united his forces with those of General Taylor in old Mexico, after making the longest land march ever recorded in our history. James H. Baldwin, a lawyer of distinguished ability, was associated with him as a partner in his law practice.

Among other members of the bar, honorable mention may be made of Hon. Willard P. Hall, who for three terms represented the district in Congress. His first election was in 1846, and during the war between the States he became Governor. James B. Gardenhire was another attorney who was called to the service of the State, being elected

Attorney General. The following were also members of the bar of the Twelfth Circuit, viz.: John Wilson, Amos Rees, William B. Almond, Solomon L. Leonard, Henry M. Vories, Silas Woodson, J. M. Basset, B. F. Loan, James Craig, Prince L. Hudgins, W. M. Paxton, William L. Wood, James H. Birch and John Doniphan. Of the above named, James H. Birch was appointed, in 1850, one of the Judges of the Supreme Court, and Henry M. Vories was elected in 1872 as one of its members. Silas Woodson, in the same year, was elected Governor of the State. Craig represented the district in Congress for two terms, as also did B. F. Loan.

Two terms of the court were held annually—one in the spring months and the other in the months of autumn. It was then the practice for the members of the bar to make the rounds of the circuit with the Judge and Prosecuting Attorney, going from county seat to county seat until the spring and fall terms of the court were all held. We did not have in the earlier times either railroads or buggies, and being deprived of the facilities for travel with which we are now blessed, the rounds of the circuit were made entirely on horseback. In passing from Albany, the county seat of Gentry County, to Maryville, the county seat of Nodaway County, and Rockport, the county seat of Atchison County, we had to cross the west fork of Grand River, the Platte, One Hundred-and-Two and Nodaway Rivers. In the spring tides these streams would often become so swollen and high as to make fording them wholly impracticable and we would be compelled either to swim them on our horses or take off of them the saddles and bridles, and put the horses in the stream to swim to the opposite shore. We would then construct a raft of logs and with it cross ourselves, saddles and bridles, and capture our horses when we reached the other shore, usually finding them grazing and willing to be caught. On one of these trips being made from Albany to Maryville, when we had arrived within four miles of the usual crossing of Platte River we were met by a man by the name of Stingley, who was a magnificent specimen of the frontiersman, being over six feet in height with powerful physical developments. He said to us, "Boys, Platte is on a boom. You can't cross *her* at the usual fording place, but I can pilot you to a place six miles above the usual crossing, where you can cross *her*." We readily agreed to this, and on reaching the designated place we hesitated to cross because of the rapidity and turbulence of the swollen stream, and Stingley, who was mounted on a big black horse, seventeen hands high, which he rode without a saddle, said, "let me ride over and back to see whether or not it is safe to cross." He did so and after coming back said, "We must all go in abreast, and I will ride furtherest down the stream, so that if the rapid current should trip up one of your horses, I will be in a position to catch you as you come down and lift you up on Black Warrior," the name of his horse. So with this arrangement we rode into the stream with fear and trembling, but crossed it safely, resolving never again to take such risk.

Notwithstanding such incidents as the above, we always looked forward with pleasure to the time when these semi-annual trips should begin. They were always occasions for social enjoyment and I shall ever look back upon them as the brightest and happiest experience in my professional career, and shall ever cherish the memory of those who have made the last rounds of the circuit and gone before to that bar where no mistakes are made and no errors occur.

Platte City, Mo.,
January, 1898.

LAND LAWS OF MISSOURI.

BY HARRY LANDER.

LEX LOCI REI SITÆ runs in the mind. The subject of the "Land Laws of Missouri" is too big to be covered in a short article; it would require a large book, well considered and well written, to present the subject in any half way commendable shape. The want of time and opportunity precludes the doing of more, than in a very general way, making a few suggestions bearing upon the origin and history of some of the classes of land titles in the State.

Our land titles, Blackstone would say, are "allodial," coming down from the general government "freed from rent service and lord paramount." The old feudal system never had a footing in this country. Our State presents perhaps, more different classes of land titles than any other State in the Union. This grows out of local facts and conditions here, that never wholly existed in our sister States.

FRENCH AND SPANISH CLAIMS.

I would first mention French or Spanish grants or claims, they having the preference by age. What are French and Spanish claims? They may be classed as local land titles. This class furnished an interesting history, especially to the older lawyers of the State. France at an early date owned the Province of "Louisiana," which embraced all the present territory of Missouri. In 1712 Louis XIV. of France, promulgated for Louisiana, the *edicts*, *ordinances*, *customes*, etc., of Paris, as the laws to govern that province called the "Country of Louisiana."

These "customs of Paris," together with the Roman civil law, became the laws of Louisiana, with some modifications to suit the new conditions.

In 1764 France ceded all of Louisiana lying west of the Mississippi to Spain; as both France and Spain adopted the civil law, no material changes were made in the laws of Louisiana after Spain took possession.

In 1800 Spain re-ceded to France all of Louisiana west of the Mississippi. In 1803 France ceded Louisiana to the United States. In these various cessions and treaties, it was provided that the inhabitants (subjects of France and Spain) should be protected in their property rights, and the treaty with us, bound the United States to *protect and confirm the inchoate* rights of the inhabitants *to the lands* they had acquired under the French and Spanish governments.

The United States in 1804 divided Louisiana, calling the lower part the Territory of New Orleans, and the upper, or our part, the District of Louisiana.

Neither the Legislature of the Territory or of the State of Missouri, after its admission into the United States in 1820, assumed to legislate to any material extent, on the

subject of these French and Spanish claims, but left that matter in the hands of Congress, where it belonged.

Congress, by various acts, to carry out treaty stipulations, commencing in 1804, and running up as late as 1836 and later, provided all the necessary machinery in the way of officers, boards, tribunals, surveyors, etc., by and through which these claims might be located, established and reported to the government, that they could be ultimately confirmed.

The "Customs of Paris and Roman Civil Laws" remained in force, with modifications, up to 1816 (January 19), when the common law of England, of a general nature, and the English statutes made prior to the fourth year of James I., of a general nature, applicable, etc., were adopted, which has remained a law ever since; this same act abolished estates tail, and survivorship among joint tenants, which yet remains a law.

The old French and Spanish inhabitants lived along the rivers, where is to be found most of these claims; many of them were located and confined in and about the present City of St. Louis.

To say that this class of titles furnished a fruitful source of litigation, after the lands became valuable, does not do justice to the subject. Speculators and men of wealth figured in these titles; the legal questions were in a great measure new, very complicated and intricate. It is sufficient to notice that it required the most eminent legal ability to deal with them. Such men as Geyer, Gamble, Broadhead, Hill, Glover and many other great lawyers were called in.

The early Missouri Reports and many of the Federal Reports will verify these facts. In both the State and Federal forums, these "legal gladiators" met armed for the fray, and when they met "you found no child's play there."

It is to be seen that in the settlement of these vexed questions, the civil law, the "Customs of Paris," the relative rights of husband and wife under the civil law, the rules of descent, the questions growing out of community property, the cessions and treaties between nations, the construction of acts of Congress, and treaties, confirmations, plats and surveys, and now and then complicated by some local enactment devised in the wisdom — (excuse wisdom) of our Legislature — all these matters came in question.

But time at last "makes all things even;" our limitation laws, at first twenty years, then, since 1847, ten years, have put to rest most of these legal conflicts, and with them repose many eminent lawyers who engaged in these struggles.

SEMINARY AND OTHER LANDS.

When Missouri became a State of the Union, March 6, 1820, the act of admission granted to the State the sixteenth section in every township not otherwise disposed of, and if disposed of, then other lands equivalent thereto, for the use of schools in the several townships. The same act granted, with certain provisions for the use of the State, not exceeding twelve salt springs, with six sections of land adjoining each spring, called "saline lands." The same act also granted to the State four sections of land, to establish the seat of government thereon, the lands to be selected by, and held under the directions of the Legislature.

The same act granted thirty-six sections of land, or one full township, to be designated by the "President of the United States, together with other lands," theretofore granted,

for the use of a "seminary of learning;" the titles were vested *in the Legislature*, to be used solely for the purpose named, known as "seminary" or "university" lands. All these lands have been selected, reported and properly applied to the named purposes.

NEW MADRID LOCATIONS.

This class of lands originated by what the old writers would term the "act of God." In 1811, an earthquake destroyed the village of Mew Madrid, with much of the land around it. Congress, in its liberality, by an act declared that all persons so injured, or their legal representatives, should have in exchange for their injured land, other lands to be selected out of the public domain, fixing quantities, etc. The several acts of Congress upon this subject, provided the necessary machinery to carry out the purposes of the grant, created the necessary officers and tribunals to hear and determine the rights of parties and lists of injured lands with names of original owners were reported to the proper department at Washington. The newly selected lands were platted, surveyed and reported, upon which patents were issued to the original owner of the injured land, "or his legal representative."

This class of claims attracted many speculators, who purchased the original lands from the owners, their heirs, devisees and grantees. Many conflicts grew up, several different claims of title sometimes would appear coming from the same source. Persons holding the title to injured land by regular conveyance, were recognized as "legal representatives" of original owners.

No end to the frauds, perjury, forgery, tricks and other indiscretions were said to be practiced in these cases. The courts, both State and Federal, were the arenas in which many a hot battle was fought between the legal giants of those days, over these disputed claims.

Great necessities make great generals, it is said; so great necessities make great lawyers. The French and Spanish claims, together with New Madrid locations, made the necessity, and the bench and bar furnished the rest.

These lands are mostly located along the rivers. Limitation has about quieted the conflicts.

MILITARY BOUNTY LANDS.

This class of lands in Missouri are located in the counties of Chariton, parts of Randolph, Linn, Carroll and Livingston, known as the "military district," and furnishes an interesting history among land titles.

Congress set apart large tracts of rich lands in Illinois, Arkansas and Missouri, to be surveyed and given as a bounty to the soldiers of the War of 1812, which England then called the "late war." This is the same war that Justin Butterfield "opposed" years after. When asked how he stood on the Mexican War, he replied that he "opposed the late war, and had been politically d——d ever since; now, by the eternals, I am in favor of war, pestilence and famine."

The manner in which these lands were given out to the soldiers, was by lot; each soldier drew not less than 160 acres; no soldier ever drew, in person, his own land, but some one else drew it in his absence for him, and generally some one else appropriated said land to himself, for him. Patents were issued to each soldier, signed by President Monroe, along in 1818-19, and corded up at Washington.

Not one soldier in five hundred ever saw his patent, or the land he drew. These soldiers lived in the older States, and of course, knew nothing about lands in Missouri or Illinois. Here was a grand opening for speculators. The soldier or his heirs would generally sell out to the first and last man he met.

Some of the recited considerations in these old deeds are amusing. "One rifle and powder horn," "eight coon skins and a shoat," "one fox hound called buck," "one 'heffer caff' and two 'barrer' hogs." One other reported case recites as a consideration, "a bushel and a half of guber peas."

These considerations were considered about fair prices for the lands, especially in view of the fact that the soldier assumed the right to sell again to the next man he met. The records of these old deeds, made in 1819 and 1820, show wonderful conflicts of title, all starting from the same soldier.

Nearly all these lands in Missouri remained vacant for a long time, and were repeatedly sold for taxes and bid off by some tax title speculator. When the country began to settle, the settlers would buy one of the tax titles and take possession; then some speculator claiming to own some one or two branches of the many patent titles, would sue; then we had patent against tax, and tax against patent. While the soldier in Carolina was eating his "gubers," others out here were eating each other up over his land.

This state of things, however, was put to rest by the short limitation law of two years, applicable to this class of lands, enacted in 1865. They do accuse the writer of being the author of the "short limitation," whereof he speaketh not.

"STATE LANDS."

By act of Congress, September 4, 1841, 500,000 acres of land were granted to the State of Missouri, called "State lands," which under the grant were to be selected and reported to the government, under the direction of the Legislature of the State.

By act of Legislature, February 27, 1843, many of these lands were selected and located in the counties of Platte, Buchanan, Andrew and Holt.

Again by act, March 13, 1845, of these 500,000 acres not located, the counties of Clinton, Gentry and DeKalb were added to the list as suitable for location.

Again by act, March 28, 1845, Nodaway and Atchison were added to the list as good territory for the location. All these State lands have been disposed of under provisions of various acts, which may be found in the Revised Statutes of Missouri, 1855, Vol. II., pages 982 to 1004.

This class may be called local, and much to the disgust of some lawyers, has furnished no litigation of consequence.

SWAMP LANDS.

This class covers many thousand acres of land. The lands not being fit for occupancy or cultivation and not salable, the government, to get rid of them, by act of Congress, September 28, 1850, granted to Arkansas and other States, all the swamp lands in their respective limits. The act reads, to "reclaim the swamps and overflowed lands within their limits." The grant, as determined by our courts, imposed no trust or conditions upon the States, but granted the lands, to be managed and disposed of as the State Legislature might in its judgment (not wisdom) deem best.

The grant required the States to select, locate, survey, plat, map and report properly certified lists of the swamp lands. It is needless to say that in these selections, made by local parties, acting for the best interest for their county, many tracts turn out to be high and dry.

The State, by act of Legislature in 1851, and by several subsequent confirmatory acts, passed the full title to these lands to the several counties in the State.

The County Courts are made the authorized agency, with defined powers of disposition, with regard to this class of lands. The grants to the counties provide that the net proceeds of sales, "shall be paid into the county treasury and become a part of the common school fund of the county."

Some of the counties, as the writer remembers, during the time special legislation was permitted, obtained grants from the Legislature freed from this trust school fund, but where the general law prevails, our courts hold that the County Courts occupy a trust position with regard to the lands; that they have no power to dispose of the same, or the proceeds, other than by the mode and for the purpose specified. They can not give away, donate or misapply the lands or proceeds thereof; so determined by the Supreme Court in Sturgeon versus Hampton, 88 Missouri Reports, 203. In this case Chariton County attempted to dispose of her swamp lands to certain railroad companies. The acts were held *ultra vires*. The writer took a hand in that fight on behalf of the school fund.

RAILROAD GRANTS.

Congress, by act, June 10, 1852, and February 9, 1853, granted to this State an indefinite number of tracts of land to aid in the construction of projected railroads. The grant gave every alternate section of even numbers, lying within six miles of the road on either side, and where the designated quantity could not be found within that limit, the deficiency was to be made up of other lands undisposed of, within fifteen miles on either side of the road.

The grant placed the lands in the hands of the State, to be given to the companies owning the proposed roads, upon such terms and conditions as the Legislature might impose.

This grant was made before the roads were constructed, which, of course, necessitated the location and construction of the road before it could be known where to locate the lands, and to pass the titles to the companies.

Many methods were arranged by various acts of the Legislature, under which the roads were to be located, the lands selected, mapped, lists made, and the proper reports furnished to both the State and Federal governments.

One of the conditions imposed by the State on the roads, was that no title should pass to the companies until a certain number of miles of road should be finished and accepted by the Governor; then for that distance and to that extent, the titles to selected lands should pass.

Millions of acres of valuable lands passed to railroad companies under these grants. The Hannibal & St. Joseph, over 200 miles through the State; the North Missouri, the Iron Mountain, the Missouri Pacific, including its Southwestern branch, were all favored by this magnificent bounty.

This class of titles being very short and simple, have furnished but very little litigation; a few conflicts between the swamp land and railroad grants have reached the courts.

Time and opportunity will not now permit of even a hasty reference to many distinct classes of land titles in the State, not herein mentioned. No mention is made of the disposition of the great public domain—the surveys and public sales and private entries of public lands, pre-emptions, the "graduated lands," the "agriculture lands," homesteads, and many other classes too numerous to mention, all derived from the general government under various acts of Congress. Nor can anything now be said as to titles derived from and through our local laws, such as homesteads, adverse possessions under limitation laws, dower, courtesy, recording acts, tax titles and hundreds of other matters pertaining to land titles in Missouri, that are necessarily omitted.

At another time, with better opportunities, the writer would take pleasure in presenting an article upon this important subject, in better form and substance.

Brookfield, Mo.,
January, 1898.

THE PETTIS BAR.

BY HENRY LAMM.

THE early material for the annals of the Pettis bar rests in tradition chiefly and the facts are either covered with dust and wholly lost or, at best, dimly remembered. My own memory goes no further back than the early part of 1869 and had one access to the rich store of reminiscences carried to the grave by such venerated pioneers as George Heard, Major William Gentry, Gen. George R. Smith and Mentor Thomson, it would have been possible to have put more life and color into any picture, at best faint and in dim outline, attempted to be drawn of the old times or of the old timers; for George Heard settled in Pettis County early in 1835, General Smith in 1833, Mentor Thomson in 1834 and Major Gentry in 1824, and in matters pertaining to ancient local history, each could have borrowed and used with propriety the laconic but adequate language of the great Roman in his immortal narrative of the Gallic war, "all of which I saw and most of which I was." These men took, not only a broad, but an intense interest in affairs, were deeply impressed by passing and changing events, knew and remembered well the early men and their environments, talked of them as fondly as old men recall the melodies of their youth and the scenes and faces of their childhood, and, having become veritable treasure houses of biographical and historical data, they took with them to oblivion the last eyes that saw, the last ears that heard and the last tongues that with words of realistic warmth and due accuracy could speak of the old lawyers of the old Pettis bar.

Pettis County was carved out of Cooper and Saline in 1833 and by legislative act its temporary seat of government was fixed at St. Helena. It seems that Ramey and Wasson built a water grist mill on Muddy Creek to accommodate the settlers who were tired of going for flour so far as Boonville. To this mill, a store was added by Clifton and Watson Wood. To this, was further added a straggling dwelling or so and, among others, one belonging to James Ramey. The place was known as "Pin Hook" in the early records, but the memory of no man has preserved the reason why. It seems, however, that the people more immediately interested (whether they looked on the name as trivial, or came to consider it as smacking of ridicule or obloquy, is unknown) being impressed with the mournful fate of Bonaparte, gave the place the name of St. Helena in memory of the gloomy and rocky isle where his good enemies after Waterloo, remembering Elba, put him. The Legislature taking advantage of the dwelling of James Ramey, without any design probably to appropriate it to public use or disturb the peace of his family against his consent, solemnly enacted that "the courts to be holden in said county shall be held at the house of James Ramey until the tribunal transacting county business for said county shall fix a temporary seat of justice for said county." Having first obtained legal permission to hold themselves, the courts were holden accordingly.

In July, 1833, John F. Ryland, Judge of the Fifth Judicial Circuit, appeared at St. Helena and at the house of said James. I have been told that he then lived in Fayette in Howard County, but this may be an error, as his long-time home was Lexington and Howard County was not in our circuit. He was a spare, tall, decided man and a jurist whose merits as a lawyer and man finally elevated him to the Supreme Bench of the State. His judicial mantle, descending upon his son, John E. Ryland, has long been worthily worn by him. It is more than likely he traveled in a gig and a long ways to reach St. Helena, and he must have been a man of wiry endurance; for the roads, if any, were new and rough, the streams bridgeless and the circuit to which Pettis County was assigned was composed of Carroll, Clay, Clinton, Ray, Jackson and Saline Counties, which counties, it must be remembered, were much larger than now. Be that as it may, on his advent at Mr. Ramey's in July, three score and four years ago, the curtain was rung up and the Pettis bar had a chance to make its first bow on the stage. With Judge Ryland, and more than probably on horseback, came Henderson Young of Lexington and James H. Birch of Fayette, both of whom were riding the circuit with the Judge. As they are the only two lawyers enrolled at that term, and as the grand jury reported no business and was at once discharged, and as the only case (Head versus Williams) disposed of was an appeal from a Justice Court, which was dismissed by consent, and as court promptly adjourned with that entry, it seems historically fair to conclude that the Pettis bar, as such, however much it had the opportunity to make its bow, made none, and that Messrs. Young and Birch, more than likely, came as companions for Judge Ryland and stopped at the new court en route to some more luxuriant field of litigation in some older county. It is fair to conclude that there was no licensed attorney residing in the county, or he would scarcely have missed so auspicious an occasion for enrollment. Gen. George R. Smith came from Kentucky the same year and was enrolled later.

These two visiting attorneys were men of note. Henderson Young became Judge of this circuit and served with credit on the bench from 1849 to 1854, and the early history of Missouri is replete with incidents in the varied career of that versatile, restless and ambitious man, James H. Birch. He was a man of noticeable dignity of manners and person, an aspiring but rather unsuccessful politician who died some fifteen years ago at the home of his son and namesake at Plattsburg, Missouri. It has been related to me that to the day of his death he affected the courtly blue coat and brass buttons and high stock of the old-time gentleman, and the dignified and impressive forms of speech belonging to the times of the stately minuet. When the son of an old-time friend called on him shortly before his death, he said with grave courtliness: "I am delighted, sir, to greet the distinguished son of my cherished friend and on your return you will do me the kindness, sir, to make my compliments altogether acceptable to your father." Speaking at another time of his political career, he said: "I have had, sir, in my long and eventful life the devoted services of faithful and intelligent friends. No man ever had more enthusiastic and loyal followers than I, but the trouble with me, sir, has been that I have not had enough of them."

While bred to the bar, and while enrolling himself in 1833 as a practicing attorney, it does not appear that General Smith, during the fifty years of his residence in Pettis County, followed his profession. The demands of active business affairs, the ambition for political activity, the large interest he took in governmental and State policies, the honors and burdens that came to him as a man of affairs, as railroad promoter and the founder and builder of Sedalia, allured this remarkable and truly great man from a profession so

exacting in its demands as the law, and to which he could not have been less than an ornament.

The lawyers did not thrive at St. Helena. In November, 1833, an unfortunate fellow by the name of Chew was indicted for assault to kill and on due motion the Court indicated a disposition to have his body seized and brought before the altar of justice, by issuing a capias. It seems that said Chew was about the only bad man in the county at the time; for he was also defendant in the only civil suit then pending, which, it must be said in his behalf, was dismissed and so court closed again for the term, in one day's session and no fees for anybody. So it went on until 1835, with a day or two term at most, Judge Ryland presiding and doubtless ready for business—a group of lawyers from Boonville, Fayette or Lexington present, coming and going with His Honor—and the local bar a fact, possible, but non-existent. Pettis County was then put in the Sixth Circuit, which extended southward to the Arkansas line through Polk, Greene and Barry (since cut into divers and sundry populous counties) and north to the Missouri River; the county seat was moved six miles away and established at Georgetown, where it remained until 1864, and no crow that flaps its lazy wings over the cornfields of the Muddy bottoms has an eye alert enough to detect a vestige or trace of the first home of our bar, St. Helena —its mill of justice with its grist mill also, the house of said Ramey, the store with its very name, have one and all become a ghostly memory of faded and fading dimness.

When the court moved to its new home at Georgetown, a sprightly village soon grew up and the prospects of the Pettis bar brightened. George Heard came here from Fayette, under the advice of Governor Reynolds, and built the first house in the new county seat in 1835, and was duly enrolled as a practicing attorney. It is not likely that there was enough business to support him. The richer and older river towns, Lexington and Boonville, as well as Fayette, had lawyers of established fame and ability. John R. French, of Lexington; Peyton R. Hayden, Wash. Adams, John C. Miller and Joseph L. Stephens, of Boonville; John M. Bryant, of Marshall, and Mark Means, of Warsaw, all trained lawyers, with others rode this circuit, and a young attorney would be handicapped. He taught school to aid in getting on, and he used to relate with great pleasure that his patrons were accommodating enough to permit him to adjourn school, once in awhile, and go away to try a law suit. He was a typical, old-time, common law lawyer, whose realm of jurisprudence was bounded on four sides by the horn books, Blackstone and Chitty, which he had at his fingers' ends. He was highly sensitive, having little toleration for wit or humor, or the play of ridicule, when they touched his dignity or lowered the gravity of the case. He was an honest, temperate, affable, painstaking man, of most charming manners, a courteous, hospitable and Christian gentleman, who accumulated a comfortable fortune in his profession and by judicious investments. He was the father and the Mentor of our bar, and when he died a few years ago, he left a memory behind him which was the pride and solace, not only of his sons, but of the whole community as well. When he became better established he rode the circuit with the others, and he has told me that on these circuit ridings from court to court on horseback, he would be gone frequently six weeks, with his papers and change of shirts in his saddle bags.

The most annoying rival of George Heard was Reece Hughes, who made no pretension to the law as a science. He was simply a prodigy of natural justice. He was droll in his wit, with a keen sense of the ridiculous, and a telling aptness of illustration. In the lower courts, where litigation then, as a rule, ended, he was to be feared. He was a large

man, with a soft voice, a laughing eye and a homely manner, who never lost his temper. He was always friendly with the jury. They called him "Reece." They laughed at his jokes, smiled when he looked serious, and agreed with him when he made fun of Brother Heard's Blackstone and said Heard's client was "always in a fuss." Heard brought a suit for one Moss against Dickenson, for putting his (Dickenson's) fence over the line onto Moss' land. Hughes appeared for Dickenson. Heard, based on some evidence, argued to the jury that every time Hughes' client replaced the bottom rails, under pretense of repairs, he "inched over" on Moss' side until he had thus seized an extra acre. Hughes effectually parried this damaging fact by saying to the jury that his client, as they observed, was cross-eyed, so that if he had gotten over the line it was the fault of nature, and read to the jury, from Heard's copy of Blackstone, that a man was not to be held responsible for an injury resulting from the act of God; and aside from that, his client was too simple to conceive of such a strategy for land getting; and so cunning a scheme could only occur to the mind of a smart lawyer, and he supposed that accounted for the way Brother Heard had acquired a large farm out on the prairie. Whereat, the Justice of the Peace began to grab up his statutes to read the riot act, as he saw Heard seize his chair for an assault. Hughes, however, calmed the troubled waters by saying, "Come, Heard, don't let's fight; we are not hired by these fellows to do that; let them do the fighting while we take the land."

As the Code of Practice of 1849 had not then been in force long enough for construction, it was a wide open question as to what might be pleaded as a counter-claim. Hamp Gray, a lawyer by aspiration only, brought suit in a Justice Court for a kettle borrowed and damaged in use. Hughes defended, and filed a counter-claim for damage done to defendant's pasture by plaintiff's goose and gander trespassing thereon. "Hamp" and "Reece" argued this question of practice two days before the 'Squire, "Hamp" relying on Chitty, borrowed from Heard; and "Reece" on the words of the statute, illustrated by "the works of nature." The jury hung. The Justice resigned rather than re-try the case, and Gray quit the practice of law in disgust.

Col. Aldea A. Glasscock, in 1840, came here from Virginia, was enrolled and for years practiced in a modest way and died within my own memory. He was of patriarchal appearance and was considered a seer in his neighborhood. He farmed and attended court from his farm. This seems to have been quite common in those days. A. M. Barrett, for many years a member of our bar and who died here in 1862, George Heard, James L. English, W. H. Field, Reece Hughes and others lived on and managed fine farms while in practice. How they did it, one has never been able to find out. Certainly it could not be done now by an attorney in full practice. The inoffensiveness of Colonel Glasscock and his reputation for fairness is illustrated by the observation of Jim Winston, who once belonged to the Pettis County bar, and who canvassed the State on foot for Governor, and who was otherwise the laziest man in the State. One hot day in August, he was dozing on a lounge in his office at Georgetown when applied to to attend a case in a Justice's Court. "How far is it?" inquired Winston. "About twelve miles," said the client. "Whew! Long ways to walk this weather," sighed Winston. "Who's on the other side?" "Colonel Glasscock," was the reply. "Well, then, you don't need me," said Winston, "the Colonel is a discreet old man, and he'll do justice to both sides."

Prior to the coming of George G. Vest (1853) and John F. Philips (1856) probably the strongest lawyer at our local bar, except Mr. Heard, was James L. English. He came here a Philadelphia bred lawyer and achieved an honorable and growing place at the bar,

until, caught by the gold fever in 1849, he crossed the Plains to California and, having acquired a fortune and high rank as a lawyer in Sacramento, died there not long since.

In the 'fifties our bar grew in strength and prominence. Aspiring and brilliant young men settled here who speedily, with experience and study, became more and more self-reliant and successful. In those days came to Pettis County Col. Thomas F. Houston, a scholarly and wealthy man from North Carolina, and allied by blood and marriage to some of the best families of South Carolina. Educated for the bar, he seemed to prefer the more peaceful and independent pursuit of a planter, and opening a magnificent plantation where Houstonia now stands, still lives there a respected and useful citizen, never having gone into active and general practice.

In those days also came Col. W. H. Field and opened a large and splendid farm. He was of ample fortune, one of the leading attorneys of Louisville, Kentucky, whose health failed him and who sought in the calm retirement of rural life to regain what he had lost in the brilliant, but dangerously exacting, successes of the forum. He built an elegant country mansion, dispensed there a bounteous hospitality, educated and settled his children, attended court at Georgetown occasionally in cases of importance and met during the war a most cruel and unhappy fate, being murdered under circumstances of unusual distress and barbarity. He was a man of correct life, noble presence, six feet two inches in height, of even temper and polished manners, and an orator, graced not only with a fine voice, a lofty diction and a most impressive style, but with those mental gifts and moral qualities without which mere oratory becomes as sounding brass and tinkling cymbal. He made everyone feel, who saw and heard him, that the good lawyer, scholar and gentleman are inseparable. Those who knew him, love and praise him to this day. His son, Richard Field, of Lexington, for many years and up to 1896 the Judge of our circuit, yet presides in the Sixth Circuit and is, in all his bearing and characteristics, a worthy son of a distinguished father.

John Pierce came from Indiana, a college man of rare brilliance, quaint and original. His drollery and rare humor greatly annoyed the more sedate lawyers, and on one occasion cheated Brother Heard out of a verdict. Heard sued for a breach of warranty of the soundness of a horse. In his petition he alleged that the horse "sickened and died on plaintiff's hands." Pierce, before the jury, with indescribable countenance and impressive earnestness, among other things, said: "Gentlemen of the jury, is there a particle of evidence to show that the horse died on plaintiff's *hands?* How could a 1,200-pound horse die on a man's hands? What was the man's hands doing under the horse? Why didn't he pull his hands out? Can you tell, gentlemen, whether this suit is for the death of the horse or for mashing plaintiff's hands? The court has instructed you that unless you find that the allegations of the petition are sustained by the evidence, you must find for the defendant. The evidence shows that the horse died lying on the ground in the stable lot, while the defendant was gathering corn in a field, and, I presume, had his hands with him; and, therefore, the horse didn't die on his hands, as the petition charges; and the court tells you in this instruction you must find for the defendant." And so the jury did find. Pierce disappeared in the black smoke of war.

At these times came also George G. Vest, a young man fresh from Kentucky, of a dashing, fiery and untamed spirit, a dazzling power of wit and ridicule, knowing by instinct every nook and cranny of the mind and soul where the springs of influence lie in a Missourian, he began in the modest town of Georgetown what proved a National career.

Stories are still told of his early triumphs at the bar. He speedily grew out of his adopted home and environments, formed a partnership with Joseph L. Stephens, of Boonville, and there sprang into instant prominence at a bar, then as strong and distinguished as any in the State — a bar dominated by a Stephens, a Draffin, a Hayden, an Adams and a Muir. Espousing the cause of the South, representing the State in the Confederate Senate, returning to Sedalia when his flag went down in defeat, he at once and easily resumed his old place at the fore-front in the law and in politics, and now in his seat in the United States Senate, he is far and away the best equipped and readiest debater of his party, and is deservedly nearer and dearer to the heart of a Missouri Democrat than any man now alive.

In these years also came John F. Philips, a Missourian born, to Georgetown (he was then a youth fresh from a Kentucky college), and thenceforth for thirty years he belonged to our bar. As I remember him in the prime of his power and zenith of his fame as a practitioner, it seemed to me then, and seems to me now, he was the most formidable lawyer I ever knew. His was the undaunted courage that sustained a cause and hovered on the dangerous fringe of the fore-front of a legal battle. A scholar, a soldier, a statesman and a jurist, he was divinely gifted with the genius of toil, he neglected nothing which contributes to success, and whether his client was poor or rich, weak or powerful, whether his fee was little or big, it seemed to make no difference to him — he was always apparently at his best. Happy the man and cause that had him for an attorney; for he took both client and cause on his shoulders, as Æneas did his father of old, and bore them to safety. He took to the bar the stern earnestness of his Presbyterian faith; he had the gift of speedily getting the current and drift of a cause to set in his way. If his antagonist groped and drifted, he never did, but always presented a live, working hypothesis and theory which, seemingly plausible and right, "plucked the flower, safety, from the nettle, danger." He had a knack of reading law to a Judge when making an argument, and so neatly selecting and opening a volume, locating the page and passage and dovetailing his reading of it into his own suggestions, that to one listening, it seemed impossible to tell where the lawyer left off and the author commenced. To this day there is current in Central Missouri many a biting epigram, many a sprightly incident and stirring episode of this celebrated man, whose well-rounded and inspiring life challenges admiration. His services as a soldier and at the bar, in Congress and on the Federal Bench, will entitle his life to receive a much more extended notice in the History of Bench and Bar of Missouri than the scope of this article will allow.

To Pettis County from Kentucky in 1858 came a classmate of John F. Philips—Charles A. Hardin — and these two men formed a partnership which continued until broken by the war. Hardin, full of promise and of fine lineage, returned to his native State, and casting his lot there, was promoted ultimately to the bench and still lives an honored citizen of that historic commonwealth. His brother was the Democratic candidate for Governor of Kentucky in the late dramatic campaign. He was small in stature, swarthy and wiry, with raven hair and piercing black eyes. He was an omnivorous reader, ornate in style, and possessed of much of that power of oratory and invective characteristic of his family. He was abstracted in his thoughts, so that nothing could disturb his meditations. In the consultation room, or in a trial in the court room, he was as apt to turn to his partner or nearest neighbor to ask something about Rob Roy, Ivanhoe, Julius Cæsar or Napoleon Bonaparte as of the case in hand.

Contemporaneous with Mr. Hardin was Curtis Field, a bright but rather erratic man, who married the daughter of John H. Jones, a wealthy freighter across the Plains, and

went to and disappeared in the western mountain country, as the stormy war period approached.

Contemporaneous again with these men, and coming from the Gulf States of the South, was William C. Ford who, an irrepressible and eccentric lawyer with a long head, too full of odds and ends to have room left for the faculty of discrimination, was caught and whirled southward by the rush of events in 1860, fought in the Southern Army, was speedily "reconstructed" and appeared in a negro Legislature in Mississippi, drifted to Philadelphia and married a rich widow, who ultimately renounced the alliance and cut in two the said bonds of matrimony, and thus buffeted by ill fortune, drifted West and into the Confederate Home at Higginsville. Here, standing on his personal rights as guaranteed to him by the great charter of King John and otherwise, as a broken soldier and veteran lawyer should (so he with deep feeling told me himself), he whimsically denied the jurisdiction of the Governor of that charitable home, on certain rules of detail, and—drifted again. When I saw him a year ago he said he was on the road to Bland's district to acquire a residence and run for Congress on the Republican ticket. He told me he wanted, and was hunting, a good place to practice law in; not an ambitious and pushing place where clients were so brisk and plentiful that they roused and feed lawyers before the cock crew in the morning watch, not a country so fat and luxuriant with clover that the cows' distended udders dripped rich milk on the road to the farm yard of an evening for the milking (such as Horace, or was it Virgil? saw with his mind's eye and wrote of with his poetical pen), but a quiet, sedate, moderate place where he could earn, say, five dollars a week and have spring chicken in season, which latter, he found, mightily tickled his experienced and ancient palate. Incidentally, the interview cost me a silver dollar and then this relic of the old Pettis bar drifted once more as aimless as a derelict in mid-ocean, still seeking and wanting—what, heaven help him, he will never find—a good place for a poor, broken, old lawyer to practice law.

In 1859 young Philips took a fancy to Chan. P. Townsley, a wheelwright and carriage-maker at Georgetown, and persuaded him to study law. His genial and witty nature marked him for something better than his young life. A law book was a new world to him and while he read with avidity, he saw fun in everything, sketched many a picture and wrote many a humorous observation on the margin of the old law books of his preceptor, attained a bent of mind looking to practical results as a lawyer and was elevated in 1868 by a contested election to the Circuit Bench, where he presided with dignity and fairness, displaying marvelous aptness and discrimination, until ousted by an adverse decision in favor of William T. Wood, long the eminent Judge of our circuit. Judge Townsley is now an editor at Great Bend, Kansas.

Shortly before the war, the failure to get the Pacific Railroad, then building, grievously wounded Georgetown, and the Civil War coming on, killed the town outright. The war made it possible and needful to move the county seat to Sedalia, which was done. The bar was necessarily broken up and scattered; George Heard, alone, stood it out and preserved its existence. Sedalia being the Western terminus of the railroad, a military depot and a scene of warlike activity, the courts languished because the bayonet and the demurrer have ever looked askance at each other among English speaking people. With peace, a new era dawned for our bar and a growing, aspiring city early attracted the profession. The conditions that followed the war started throughout all the channels of trade and commerce a rivalry, contention and greed that aroused every energy and ambition and strife of man.

Colonel Philips laid down his sword and took up his law books again and clients swarming about, he formed a partnership with Senator Vest and the two, with Russell Hicks, then of St. Louis. The old, one story, two-roomed frame house, off of a business street on the North side of the Court House Square, still stands where these great lawyers officed and planned their victories.

Russell Hicks, born in New York, was from 1856 to 1859 Judge of this circuit, and then came from Jackson County. It is said of him that he was wholly self-educated and a sound lawyer in his prime. His voice, personal appearance, mental traits and manners were brusque, dogmatic and otherwise peculiar and he is remembered and spoken of to this late day with interest. His profound respect for the ancient landmarks of the law made his conservatism salient. The last time I ever heard him in the court house he was discussing a question of real estate law, arising out of some of the modern married woman's statutory enabling acts, against a liberal interpretation of which he delivered a savage philippic.

Contemporaneous with the firm of Philips, Vest & Hicks, was the firm of Heard & Son — George Heard and John T. Heard, his son. John T. Heard inherited the delightful affability and urbanity of his father, soon wearied of the sharp contentions of a fighting, active barrister, and successfully turned his attention to business and politics. He was for many years, first a Senator in the Legislature and then a Congressman, and is now a man in the zenith of a prosperous business career, living in easy circumstances in an elegant home, one of the best known and liked citizens of this State.

In these days Foster P. Wright, also an ex-Judge, came here and located. He was a man of meager form, tall, as memory serves me, with stooped shoulders, an inclination to wear an ancient high hat and with many other amusing peculiarities of dress and speech. He, as well as Russell Hicks, is long since dead. Judge Wright was an honest man. The old lawyers always spoke of him with respect and told of a time when he was considered an excellent pleader and close lawyer. Age and financial distress broke him down, finally, and he died poor, but still in the harness. The older reports abundantly attest his standing and activity at the bar.

John S. Cochran came here from the East in those years and at one time occupied the bench in the then existing Common Pleas Court. He was slight of frame, of a splenetic and unhappy temperament and after a stormy and restless citizenship of a few years, went back to Ohio or West Virginia.

Dating early after the war was the firm of Crandall & Sinnett, both sturdy, aggressive, honorable men and successful ones. Henry C. Sinnett was a man of quiet, studious habits, grave demeanor, old-fashioned gravity of speech and conservative notions, but very sensitive, withal, and well informed, with little humor and with a fine sense of personal dignity and honor. Having fairly earned the comforts of life, he finally became cautious and rather shunned than courted the fierce excitement of a hot battle. He died unexpectedly of an insidious disease and in the prime of his manhood, lamented by his brethren. The senior member of the firm, Orestes A. Crandall, was indeed a self-made man and self-educated lawyer and, while at the bar for twenty years, a dangerous, pertinacious fighter, full of bristling combativeness and ingenious resources — a man of whom it might be said that defeat but spurred him on to fight his best when the odds were heaviest and the outlook darkest. Years ago he left his profession for the more lucrative one of a financier and gave the entire labors of his keen mind to founding, building and supervising one of the strongest

financial institutions of Central Missouri. He is an accomplished geologist, a bent of taste acquired by his early experience as a gold hunter in California, and a man of unique and attractive independence of views.

No review of our bar during the years in hand would be complete which left out W. W. S. Snoddy, who from 1865 to 1886 lived in Sedalia and practiced law here. He was a large and rather ungainly man, of fierce military aspect, an untiring but unsystematic worker, unfortunate and grotesque in some of his traits, unliked and feared. Nevertheless, he was a ready and versatile lawyer, well grounded in the principles of the law, quick and effective in repartee, and to him are credited some of the smartest things said and the most eccentric and ludicrous things done by any Sedalia lawyer. Lacking the moral stamina and personal honor essential to permanent success at the bar, he left us to swell the constituents of Jerry Simpson in bleeding Kansas. When brother Sinnett, annoyed by the dodging of a hostile witness, said to him in deep, measured, chest tones: "Now, sir, I will proceed to wind you up," quick as a flash Snoddy was on his feet with an explosive objection. "I object, if the Court please," said he, "to winding our witness up unless the Court orders Sinnett to let him run down again. It is unsafe to the witness and unfair to us, as we want to use him again ourselves." His readiness was illustrated by a reply he made to Judge Wood. The case of Flagg versus Keeny was on, and Snoddy appeared for Keeny. Keeny was deaf as a post and brought with him for use into court an immense ear trumpet which, in the heat and drowsiness of the day, the good old Judge, half asleep, did not notice, even when Keeny took the stand and held his trumpet by his side. Keeny was repeatedly told by the Court to turn his face toward the jury, but paying no attention to the admonition, he gazed with the parchment face of a deaf man directly in front of him and away from the jury, when in tones of irritation, the Court said (having a fine for contempt in his mind), "Colonel Snoddy, what is this witness' name?" Like an echo came the quick reply, "I don't know, your Honor, unless its Gabriel—I see he has his horn." Snoddy formed a partnership with U. F. Short and the firm name, Snoddy & Short, was invariably and with droll absent-mindedness called "Shoddy and Snort" by Judge Wood.

To the years in hand belongs Lucius L. Bridges. It is impossible for one who loved him to speak of this man dispassionately and without forgetting the faults of a too generous disposition. Born in St. Lawrence County, New York, classically educated at Union College, serving gallantly in the war, he came to Sedalia at its close and until 1889 was a commanding figure at our bar. His eye was dark, large and expressive, his features were noble, exceedingly manly and handsome, his manners free and engaging and his presence, distinguished to a marked degree. His was a gifted and royal mind, stored with the results of wide reading and observation, loving poetry, literature, music and philosophy, but looking unkindly, possibly, upon the wearing application and nagging drudgery of a hard working lawyer. He was a natural and magnetic leader of men, a political orator of established reputation and popularity, and, had his party been in dominance in Missouri, would have necessarily achieved high official distinction. As a sagacious and plausible advocate before a jury, he was excellent, and such was his sagacity, his comprehensive and quick grasp of mind, that when aroused and interested in a cause, he not only easily extorted the admiration of bench and bar, but was to be feared. In 1892 he ran for the office of Attorney General on the Republican ticket, was afterwards called to Washington as an

assistant attorney in the Interior Department and now resides at Guthrie, Oklahoma, an honored attorney in that new capital.

George V. McCurdy, born and raised in this county, was called to the bar. He was early stricken with a mortal malady and died at the very threshold of his career, leaving a sweet memory behind him of a pure and gentle life. So, too, Richard P. Garrett, a man of gentle and refined ways and deeply religious life, came to the bar in 1869 with an ambition and strength of will far beyond his physical powers, and soon died. These men, with W. H. H. Hill, who died young while Judge of the Criminal Court of the Sixth Judicial Circuit, and Charles M. McClung, are worthy of mention here; for their lives were those of good men.

Shortly after the war came to Sedalia a man who at once became one of its landmarks —Asa C. Marvin, of Clinton. He had been enrolled at our bar in 1843 and, doubtless, rode this circuit. When he came here to live he had already achieved a fortune and had retired from his professional labors, but he still took a live interest in courts and lawyers. His infinite wit, excellent fancy and dry humor, made him the most companionable of men. With the enthusiasm and energy of youth, coupled with the far-sighted business sense of age, he threw himself into public affairs, organized and pushed forward the Tebo & Neosho (now a part of the M., K. & T.) railroad, and died full of years and honors.

The space at hand does not allow a specific notice of the many who came and went and who, for a brief time members of our bar, sought permanent relations and fortune elsewhere. The Pettis bar has had a modest share of official and historical honor. It furnished one United States District Attorney, James S. Botsford, who, when appointed by Grant to that office, resided here. He was in those days a safe and careful attorney and of such merit as to win a respectable and solid position in Kansas City, and has twice been honored by his party's nomination to the Supreme Bench. It furnished one United States Senator, George G. Vest, and two members of Congress, John F. Philips and John T. Heard. It furnished three good lawyers to the great railroad corporations of the State—John Montgomery, Jr., George P. B. Jackson and W. S. Shirk. It furnished at least one lawyer whose scholarly attainments, bred from an elegant and fortunate leisure, has linked his name in imperishable Latin to the fossils he discovered—F. A. Sampson; it furnished at least two men who left their marks indelibly graven on the legislation and laws of this State—J. H. Bothwell and Charles E. Yeater; it furnished to the insurance corporations an industrious, zealous and successful attorney, of sound learning and wide experience—Geo. W. Barnett; it furnished to the Circuit Bench the present Judge of the Thirtieth Circuit, a young man, university bred, of quick insight, amiable disposition, incorruptible and fearless, of growing and auspicious promise as a jurist—George F. Longan; it furnished to the old Sixth Circuit a good Judge, Chan. P. Townsley; and the friendly prophetic eye can well see other honors in store.

The Pettis bar has its death roll: George Heard, Gen. George R. Smith, Aldea A. Glasscock, Reece Hughes, W. H. Field, R. G. Durham, Charles M. McClung, A. C. Scott, W. H. H. Hill, Richard P. Garrett, George V. McCurdy, Henry C. Sinnett, A. M. Barrett, A. D. Fisher, W. L. Felix and A. C. Marvin.

Trained at this bar were young men who, seeking elsewhere for good luck in fame and purse, we consider still of us—John A. Lacy and G. C. Heard, of Washington; Henry P. Townsley, of New York; Graham Lacy, of St. Joseph; Franklin Houston and E. R. Marvin,

of Kansas City; John Ferguson, of Osceola; Charles Botsford, of Kansas; Emmet Philips, of New York; George G. Vest, Jr., Victor E. Shaw, and W. S. Jackson, of Warsaw.

It would be obviously unjust and in bad form for one of their number to undertake a critical review of the working lawyers of the present Pettis bar, forty-eight in number—the perspective is too short for a realistic or recognizable picture. Some of us, like John Montgomery and George W. Barnett, have reached the happy dignity of having bright young sons, fresh from the inspirations of Princeton and Columbia, to assist us; some, like W. S. Shirk and George P. B. Jackson, have reached the happier dignity of having their abilities paid for in regular salaries; some, like B. G. Wilkerson, have reached the calm heights of a stable and fixed income and view life through the eyes of a philosopher; some, like John Cashman, W. D. Steele, P. D. Hastain, E. J. Smith, Charles E. Yeater, J. H. Bothwell, and James Montgomery, are in the heyday and hotfoot of keen activity; some, like Louis Hoffman and J. H. Rodes, bear themselves with the tranquil sedateness of assured success; some, like Judge Hoy and Judge Humphrey, illustrate the style and dignity of the old forum; some, like H. T. Williams and W. A. Fast, work along special lines; some of them, the boys of the bar, Lee Montgomery, Bruce and Orville Barnett, McVey, Hatch, Hunter, Bente, Wilson, Kennedy, Byler, Thomas, Kelly, Harry Sinnett, Shortridge, and the rest, are commencing with eager feet the steep path to fame and viewing its dangers and difficulties with the laughing eyes of youth; but none of them have been more blessed than myself, in having for twenty odd years a partner like P. H. Sangree, who, giving no hostages to fortune, as Lord Bacon puts it, has been able to devote an intelligent and persistent care to the arduous duties of his business and correct, by his patient watchfulness, the effects of the whimsical moods of his associate.

The eldest member of our bar in full practice, as well as its most systematic worker and best case lawyer and best judge of law, is John Montgomery, to whom, in connection with John T. Heard and Judge John F. Philips, I am indebted for whatever of real interest may be found in this sketch.

Sedalia, Mo.,
August 23, 1897.

A CAUSE CELEBRE---BIRCH VS. BENTON.

BY BANTON G. BOONE.

"'Tis slander whose eye is
Sharper than the sword;
Whose tongue out-venoms all
The worms of Nile."

THE judicial annals of Missouri furnish no more interesting and instructive history of forensic litigation than can be found in the celebrated *scandalum magnatum* action of Birch versus Benton. The distinguished *dramatis personæ* of litigants, attorneys and witnesses connected with this *cause celebre* and the personal and political features involved, at once renders it highly interesting and dramatic. An account of its history will, no doubt, be entertaining, if not amusing, not only to the legal profession, but to the laymen as well.

Macaulay's "Great Lawsuit between the Parishes of St. Dennis and St. George in the Water;" Dickens' "Jarndyce versus Jarndyce;" Dr. Warren's "Tittle Bat Tit Mouse Ejectment" in "Ten Thousand a Year;" Dred Scott versus Sanford (reviewed by Benton himself), or "Woodard versus Dartmouth College," fall short of this case in *distingue personnel.*

Let us trace retrospectively this famous case through all of its singular and variant mutations, from its inception in 1849 to its final conclusion in 1858, covering a period of nine years, beginning in the Circuit Court of Buchanan County and ending in the Supreme Court.

On August 9, 1849, there was filed in the Circuit Court of Buchanan County, Missouri, a petition based on an action for damages for slander, wherein Col. James H. Birch, of Plattsburg, Clinton County, was plaintiff, and Col. Thomas H. Benton, the thirty years' Senator of Missouri, was defendant. The petition alleged that the defendant had in a public speech at Liberty, Clay County, Missouri, charged that the plaintiff had whipped his wife and knocked out three of her teeth, because she had remonstrated against plaintiff's illicit association with a negro wench belonging to plaintiff; and in the same speech and also at another place and time, had publicly called plaintiff a "sheep-killing cur dog." The damages were laid at $1,000.

A capias ad respondendum was served personally on Benton in Buchanan County, the 10th day of August, 1849, although the petition alleged he was a non-resident of the State, Benton at that time being a United States Senator of Missouri. A change of venue on the application of the defendant was awarded to Clay County.

In the first instance in the Buchanan Circuit Court the petition was signed by Loan, Archer and Lee, and the amended petition, filed in the Clay County Circuit Court, was signed by John Wilson, Benjamin F. Loan and Archer and Lee, as plaintiff's attorneys. An answer was filed by defendant through his attorneys, Henry M. Vories, James B. Gardenhire, H. L. Routt, Basset & Jones. The clerk of Buchanan County was William Fowler,

the Sheriff, William W. Reynolds. In Clay County Samuel Tillery was Clerk, Oliver P. Moss, Sheriff, George W. Dunn, Judge. This time, on the application of plaintiff, the case by change of venue was sent to Jackson County, when Samuel H. Woodson and James K. Sheley were added to plaintiff's list of attorneys, and William L. Wood to that of defendant. Henderson Young was Circuit Judge and Samuel D. Lucas, Clerk in Jackson County. The Circuit Judge having been of counsel in the case, a change of venue was awarded to Henry County.

There the case was finally tried at *nisi prius* on the 11th day of May, 1855, DeWitt C. Ballou, Judge (Judge Ballou's home was in Benton County), DeWitt C. Stone, Sheriff; Lewis H. Tutt, Clerk. The defendant's list of attorneys was here increased by the addition of the names of Waldo P. Johnson and Russell Hicks. The jury were Daniel A. Gillaspie, foreman; Ferdinand F. Summers, Patterson Gordon, Benjamin Goodin, Thomas J. Rockwell, Marshall S. Peelor, Benjamin L. Owen, Jesse W. Sharp, Matthew Wells, Henry Lotspiech, George W. Walker, James T. Teays, summoned on special *venire*, and all Whigs politically. Twelve of the sturdy and sterling yeomanry of Henry County composed this jury, and their verdict, which was for $5,000 for the plaintiff, attests the fact that they had a high and true appreciation of the value of character and the sanctity of the home, and that however exalted may be the private or public standing of a man, he cannot with impunity, bear false witness against his neighbor, or wantonly and maliciously assail with defamation the home and happiness of the family. They realized that

> " The purest treasure mortal times afford,
> Is spotless reputation; this away,
> Man is but gilded loam or painted clay."

They have all passed to the tongueless tomb except Owen and Sharp, who still "sit on the lap of time," honored and beloved of all their neighbors.

Col. Joseph Davis, now an octogenarian, and his aged wife, with elegant hospitality (*sauvita in modo*) entertained the Judge, lawyers and jury. To this aged and honored couple at their hospitable home in Vernon County, I send my greeting with the wish that the evening of their generous and useful lives may be serene and tranquil until they enter the celestial portal where the Good Shepherd forever infolds His own in the sweet pastures by the still waters of eternal life.

The usual motions for new trial and in arrest were made and overruled, and the case taken on writ of error to the Supreme Court, where at the January term, 1858, it was reversed, Judge Richardson delivering the opinion, Scott, J., concurring, Napton, J., giving no opinion, and is reported in 26 Missouri 153. Judge John F. Ryland was added to the defendant's list of attorneys in the Supreme Court, making the completed roll eighteen in number, as follows: Loan, Archer, Lee, Basset, Vories, Gardenhire, Jones, Doniphan, Wilson, Hudgins, Routt, Wood, Sheley, Woodson, Hicks, Johnson, Young and Ryland.

By a singular coincidence and as if this case was enamored of greatness, the four counties (*locus in quo*) wherein it domiciled for a time, are dowered with the names, and serve to eternize the fame and memory of four of America's grandest statesmen: The immortal Jackson, the great commoner, Clay, the profound diplomat, Buchanan, and the matchless Revolutionary orator, Patrick Henry. And the names of George Washington, Thomas Jefferson, John Marshall and King Ferdinand, as well as the Scriptural nomenclature of Daniel, Benjamin, Jesse and Matthew are to be found in the Christian appellations of the jury.

Among the witnesses who testified in the case orally or by deposition, were Gen. A. W. Doniphan, distinguished in military and civil life; Austin A. King, then Governor of the State, and afterwards member of Congress; Sterling Price, also Governor at the time of the trial, and formerly a member of Congress and Speaker of the Eleventh and Twelfth General Assemblies of the State of Missouri and the beloved chieftain of the Confederates in the late war. Governor Price as a witness, attended court one day, traveled 278 miles, claimed his per diem and mileage, amounting to $14.90, which was adjudged against Birch, who paid it on execution under protest. Whether "Old Pap" ever returned the money, or whether Birch ever sued Price before a Justice of the Peace to recover it, does not appear in the record of this case.

William H. Buffington, then Auditor of State, and who subsequently returned to his native State, Virginia, and died there, was also a witness, claimed one day's attendance and 504 miles of mileage and was paid $26.90, also under protest by Birch. What was the ultimate fate of the $26.90 is not disclosed by the record.

Maj. Nathaniel B. Holden, as gallant a knight as ever flashed a sword in the Mexican War, and for several years a Representative from Johnson County in the State Legislature and a Receiver of the Land Office at Warsaw, was also a witness, testifying in person on the trial of the case in Henry County.

William McKee, the then editor of the Missouri Democrat, and years after convicted and imprisoned for complicity in the great Whiskey Ring frauds in 1876, was a witness and testified by deposition and refusing to answer questions, was committed to jail by the Notary Public, Hon. Samuel A. Bennett, at one time Reporter of the Supreme Court.

Hon. James N. Burnes, then quite a young man, but destined to become one of the ablest members of Congress who has ever represented Missouri, was also a witness.

The name of John M. Clayton, then Secretary of State in the Cabinet of President Zachary Taylor, also figures in this remarkable record, the document bearing his official signature being impressed with the great seal of the United States and dates the seventy-fifth year of our National Independence. It may be interesting, at least to the legal profession, to know what service this imposing document could perform in a slander suit in a Circuit Court of Missouri. It became necessary and essential in this way: At that time the law required the petition and answer to be sworn to, and Colonel Benton being in Washington City, made his verification to his answer before one William Thompson, a Justice of the Peace, and being in the District of Columbia, his official character as such officer was certified to by the Secretary of State. On the day of its issue, July 10, 1850, Washington City and the entire nation were under a pall of gloom and grief at the sudden death of the illustrious chief magistrate, Zachary Taylor.

During the eventful and long-continued progress of this legal joust between these two intellectual giants, every form of pleading known to the common law or the code was resorted to and exhausted by their astute and skillful counsel. Motion for judgment on the pleading, to elect, to strike out, to make more specific, to exclude, to admit, to suppress, to change the venue, to set aside, to arrest, demurrer, rejoinder, sur-rejoinder, rebutter, sur-rebutter, and to continue, all attest the technical display of legal ingenuity and professional pertinacity. The petition was amended by way of supplemental claim for damages, asking for $10,000.

The petition also charged Benton with publicly calling Birch a "sheep-killing cur dog." The answer denied the speaking of the words as charged, and averred that the words

spoken were "sheep-*biting* cur," and it was not only edifying, but amusing to listen to the charming eloquence of Doniphan, the touching pathos of Hudgins, the impassioned diction of Routt, the legal erudition of Vories, the cold, incisive logic of Johnson, the classical learning of Gardenhire, and the Websterian profundity of Hicks, in their brilliant and impassioned efforts, with "exhalations whizzing in the air," to show the Court the damnatory distinction between the words "killing" and "biting" when applied to a sheep, and, notwithstanding the maxim *de minimis non curat lex*, the difference, whatever it is, was allowed.

The depositions in this case also refer *inter alia* to the following distinguished names whose fame and history constitute a large and brilliant part of the pride and glory of the State: Edward Bates, Frank P. Blair, B. Gratz Brown, Thomas L. Price, James S. Rollins, William F. Switzler, Adam B. Chambers, Nathaniel Paschal, Henry S. Geyer, Hamilton R. Gamble, William B. Napton, John B. Henderson, James O. Broadhead, Willard P. Hall, John S. Phelps, D. R. Atchison, Claiborne F. Jackson, Robert E. Acock, *id genus omne*, but fail to make any reference to the sheep, the cur, or the negro wench, presumably for the reason of non-acquaintance.

The statutory process of collecting testimony through the medium of the deposition was invoked in all its amplitude, and to quote from Judge Sherwood in another case, was made to be as "world embracing as the missionary hymn," reaching from "Greenland's icy mountains to India's coral strand." One deposition was taken amid the romantic scenes of the Susquehanna, immortalized by the genius of Fenimore Cooper, and one among the scenic hills of the Catskills, so beautifully delineated by the charming pen of Washington Irving, and given by a lineal descendant of "Rip Van Winkle" who bore the Teutonic cognomen of Essig. Another hailed from the golden shores of California, one from Washington City, and many from the rustic farmers of Clinton County, Missouri. Why the depositions of Mazzini, Garibaldi, Kossuth, Santa Ana, Lord John Russell, Queen Victoria, Louis Philippe, Baron Munchausen, the sheep, the cur dog and the negro wench (she "mought have knowed sumfin") were not taken, is left to speculative deduction.

The chirography displayed on the pleadings and papers in the case exhibit a marvelous familiarity with the science of hieroglyphics and a careless disregard of orthography, etymology, syntax, prosody and punctuation, and though more than forty years have passed, I still retain, with vivid recollection, my youthful efforts to decipher the record when making out the transcript for the Supreme Court in 1856.

Among the attorneys who figured on the one side or the other (and it seems there were two sides to it) of this great and historic legal contest, are to be found names "that were not born to die." Alexander Doniphan, whose name is illustrious in the military and civic annals of his country; Henry M. Vories, who adorned the Supreme Bench of the State; James B. Gardenhire, one of the ablest of Missouri's Attorney Generals; Benjamin F. Loan, a member of Congress and a leader of the bar at that time in Northwest Missouri; John Wilson, the quaint and honored Nestor of the law and the father of Hon. R. P. C. Wilson, ex-Speaker of the House, member of the State Senate and member of Congress, and whose greatest legacy is the pure and sterling life of his honored father; William L. Wood, the very soul of honor and master of the law; Henry L. Routt, distinguished as advocate, and pleader; James K. Sheley, the very embodiment of the astute lawyer, the sound jurist and the perfect gentleman; Samuel H. Woodson, member of Congress and often voted for by the Whig party in the Legislature for United States Senator; Prince L.

Hudgins, the gifted and accomplished orator, member of the Legislature and of the State Convention called to consider the relations between the State and the general Government in 1861; Basset, Archer and Lee (immortal name), bright stars in this splendid galaxy of legal intellectuality, have left their impress on the legal history of their day and generation; Russell Hicks (*primus inter parus*), quaint of speech, massive in intellect, leonine in physique and profoundly versed in law; Waldo P. Johnson (*clarum et venerabile nomen*), peerless as the lawyer and the man, Representative in the Legislature, Circuit Attorney, Circuit Judge, United States Senator, Confederate States Senator and member and President of the Constitutional Convention; John F. Ryland, Circuit Judge, Representative and Supreme Judge, and whose professional and judicial life is one of the crowning glories of the profession of the law—those were the lawyers whose legal and forensic powers conducted the proceedings in this *cause celebre* through all of its remarkable and extraordinary judicial mutations. They have all passed in spotless ermine to the "inner court," leaving behind them stainless records and honored lives. They are the jewels of the State; the gems in the diadem of the profession.

The time allowed for argument was unlimited, and the "swelling scene" opened on the side of the plaintiff by Woodson, in the way of formal introduction, with the usual compliments to the jury and an oratorical delineation of plaintiff's character and defendant's malevolence, passing by *sub silentio* the evidence and instructions.

Routt followed with a vitriolic denunciation, in which he figuratively, at least, took the *bark* from plaintiff.

Judge Hicks followed, on the part of defendant, with an address of two hours and thirty minutes, in which he, with great power, discussed the Missouri Compromise of 1820, the compromise of 1850, the constitutionality of the Fugitive Slave Law, the Dred Scott decision, the Mexican War, the Gadsden Treaty, the Nicaragua Expedition, Squatter Sovereignty and the Kansas-Nebraska bill (these were current political issues of the day) and closed with a masterful eulogy on the life and public service of Andrew Jackson. (Hicks was a Whig).

He was followed by his colleague, Waldo P. Johnson, with a terrific philippic against the plaintiff, a vindication of free speech, free press, personal liberty, and taking up (metaphorically) the three teeth alleged to have been knocked out, one by one, "tooth by tooth," exhausted the science of odontology, denounced "Uncle Tom's Cabin," paid a glowing tribute to his illustrious client, and closed (with true Johnsonian tact) with an economic appeal to the jury to find against the plaintiff for causing so much waste of "precious time" and money by instituting such a frivolous and causeless prosecution.

Judge Sheley concluded for the plaintiff with a tear-inviting, "heaven-kissing" appeal for the countless posterity that were to be the future distributees of his client's character.

I remember no reference to the evidence or the instructions.

During Judge Johnson's speech the following interpellation occurred: One David O—n, commonly called "Hog" O—n, being in the court room, and whom the "conquering juice had steeped in soft and delicate lethe," was aroused by the passionate appeal of the speaker, arose and in native patois exclaimed: "*Go it my little Johnson! Rise and shine, honey; live in the milk and die in the cream!*" This risible interruption had its riant effect, and the speaker continued to "*rise and shine.*"

I will now briefly refer to the individuality and personality of the plaintiff and defendant, keeping in mind the charitable maxims, *de mortuis nil nisi bonum*, and *vitiis nemo sine nascitur*—speak only good of the dead, remembering that no man is born without faults.

The plaintiff, James H. Birch, was born in Montgomery County, Virginia, March 27, 1804, and was in the prime of vigorous manhood at this interesting period of his life. He was possessed of a collegiate and classical education and endowed with a splendid intellect; was a lawyer of eminence, an orator of merit and a pungent and caustic writer; versatile and finished in composition, refined and elegant in diction, and enriched his speech and writings with copious and trite quotations of Latin and from the classics. He was editor, lawyer, Representative and Judge, having served with distinction as State Senator, and was, at the time of the inception of this controversy, a member of the Supreme Court. He was tall, erect and commanding in person, polished in manner, fluent in speech, facile and sarcastic with pen, vain of his learning, influential in his party, a leader of Democracy, restless and impatient with ambition and vindictive and intolerant in disputation. Through all the vicissitudes of his active and eventful life, he retained unimpaired his vigorous constitution and robust health, "chastened by time, undimmed by age." "A combination and a form, indeed, where every god did seem to set his seal to give the world assurance of a man." He died at an advanced age on his ample and beautiful estate amid his books, surrounded by his devoted household, venerated and beloved by his neighbors.*

> "Though thou be as chaste as ice, as pure as snow,
> Thou shalt not escape calumny."

Thomas H. Benton, the renowned defendant in this interesting legal episode, was born (but not to die) near Hillsboro, North Carolina, March 14, 1782. He was, therefore, twenty-two years the senior of his plaintiff-adversary—nearly three score and ten, the time allotted by the Psalmist, when this "foolishness" began, though, like the plaintiff, he still retained all of his great mental and physical vigor, undimmed by age or time. He was educated at Chapel Hill University, North Carolina, and moved to Tennessee, served a term in the Legislature of that State; came to Missouri in 1813 and was elected as one of the first United States Senators of this State in 1821, and continuously remained in that position until 1851, when he was defeated for re-election by Henry S. Geyer, a Whig, and retiring from the Senate was elected in 1852 to the Lower House of Congress, served one term and was a candidate for Governor in 1856, and died at Washington City, April 10, 1858.

I will not attempt a *resume* of his long and illustrious career as Senator for a period of thirty years. He was grand in person, grand in thought, grand in conception, grand in originality, grand in execution and grand in display of a statesmanship unsurpassed in the parliamentary history of the world. He stood the equal of either of the great triumvirate—Calhoun, Clay, Webster. He was imperious, dictatorial and dominating in his nature, lofty and self conscious in his convictions, far-seeing and prophetic in his warnings and predictions, patriotic to his country and devotedly true to the people of his State, whom he represented so long and with such consummate skill and fidelity. For thirty years he stood all luminous and majestic as sponsor for the young Queen State of

* There is no more marked evidence of time's mutation than is to be observed in the circumstances surrounding the placing of the statues of Thomas Hart Benton and Frank P. Blair, in Statuary Hall, in the National Capitol at Washington. One member of the committee of six appointed by the Missouri Legislature to go to Washington and accept the statues in behalf of the State was James H. Birch, of Plattsburg, a son of the plaintiff in this noted case. His colleagues who journeyed with him to Washington in January, 1898, were ex-Governor Stone, of St. Louis, Judge O. M. Spencer, of St. Joseph, Peter L. Foy, of St. Louis, Mr. Cahoon, of Fredericktown, and Gen. Odin Guitar, of Columbia.—*The Editor.*



Thomas H. Benton.

the West, bidding her to be of good cheer and pointing hopefully to the ultimate consummation of her glorious destiny, and inspiring her stately sons and bright-eyed daughters to noble actions by the resplendeut light and unerring guidance of his imperial genius.

At the time of the conclusion of this legal contest in which he was a prominent and picturesque personality, his "star had approached and passed the zenith of its power, but we could discern no paling of its intellectual fires. It was still shining with an effulgent radiance, not dazzling and brilliant as in its meridian splendor, but like the mellow light of the harvest moon, calm and peaceful." It soon passed away, and whatever may have been the merits of this famous controversy all can join in wishing

> " Peace to the just man's memory,
> Let it grow green in the lapse of time
> And blossom through the flight of ages."

In concluding a review of this remarkable case, may it not be asked why and for what purpose all this splendid display of judicial and forensic talent, great litigants, great clients, eminent jurists, accomplished and gifted lawyers, patient and laborious officers, vast expense of money and time, long continued strife and an abiding the law's delay. Stripped of "form and circumstance," disrobed of legal verbiage and attractive phraseology and, to use a familiar expression of Colonel Benton, "putting the knife to the nerve" of inquiry and discovery and going direct to the heart and *gravemen* of the case, it is found in the simple question: "Did 'Tom' Benton call 'Jim' Birch a sheep *killing*, or sheep *biting* cur?"

And that momentous query has not yet been judicially determined, and never will be in court terrestial. *Parturiunt montes, nascitur ridiculus mus.*

This is Birch versus Benton, and if any doubt its entire accuracy in "form or substance," they are referred for satisfaction of their incredulity to the absolute verity of the record.

Clinton, Mo.,
January, 1898.

PERSONAL RECOLLECTIONS.

BY JOHN W. HENRY.

THE subject of the bench and bar of Missouri is a favorite theme with lawyers, and so much has been spoken and written about Judges and lawyers of Missouri who have won distinction and honor, that it is difficult to say anything that has not been said before. Having resided for fifty years in the State, I have been intimately acquainted with many leading members of the bar, and slightly acquainted with nearly all of them.

In 1845, when I landed at Boonville, James Morrow was Judge of the Boonville Circuit, John D. Leland of the Howard Circuit and John F. Ryland of the Saline Circuit, which embraced Jackson County.

The circuits were large and the lawyers rode them, not as now, in railroad cars, but on horseback, in buggies and on buck boards, for there was not a railroad in the State, and excluding the cities and towns, not twenty miles of turnpike or plank road. Missouri was then in the rough, but no people enjoyed life more. The woods were full of game and the rivers of fish, and on the open prairie near Boonville I have seen as many as fifteen or twenty wild deer in a herd. The old hollow trees furnished the richest honey, and but little labor was required to produce abundant crops of corn, oats and wheat. There were no daily newspapers, or telegraph, or telephone lines. The people were hospitable, generous and happy, for avarice had not then spread its baneful poisons through all the arteries of trade and social life.

Boonville was then one of the most important and prosperous towns in the State, and the lawyers of Boonville were among the foremost men at the Missouri bar. Hayden, Adams, Richardson, Winston, Miller, Thompkins and Stewart were men of ability, and agreeable, courteous gentlemen. Richardson and Adams were afterwards on the Supreme Bench. Adams was one of the best lawyers in the State, and Richardson one of the best Judges who have occupied positions on our Supreme Bench. He was not as able a man as Adams, but ranks him as a Judge.

It is singular that the best lawyers do not always make the best Judges. With a few exceptions, our Judges of the Supreme Court were not distinguished at the bar, before their elevation to the bench, and but few of those who at the bar were in the lead, added to their reputation by their work on the bench. Hamilton R. Gamble was one of the profoundest lawyers in the Mississippi Valley, but added nothing to his reputation on the bench. Neither did Judge Adams, who was unquestionably one of the ablest jurists in the State. Whether they relied too much on the reputation they had already made at the bar, or why they either lost or added nothing to their reputation by their judicial service, is a problem which I cannot solve.

Neither Judge Napton nor Judge Scott had distinguished himself at the bar, and yet they were among the most eminent Judges in the United States. Judge Leonard was an

exception. He stood first among the lawyers of Missouri, served but a short time on the Supreme Bench, but his opinions delivered during his brief judicial career are monuments to his learning and genius. They are among the ablest ever promulged by our Supreme Court, or any court in the United States. He was a marvelous man — learned, energetic, industrious, absolutely honest and brave to heroism, and would have adorned any judicial position in England or America. As in my judgment, he was not only one of the greatest lawyers in Missouri, but in the West, I may be pardoned for relating a few incidents in his life which illustrate his character.

He came to Missouri from the East exceedingly poor — so impecunious that, it is related of him, that he taught school near Old Franklin, and himself washed his own clothes in Bonne Femme, a small stream that runs through the old town and discharges itself in the Missouri River below Boonville.

Shortly after he came to the bar, he gave offense to Major Berry, a prominent and influential man, in some lawsuit in which Berry was concerned, and Leonard was the opposing counsel.

Berry was a very large, powerful man. Leonard was undersize, not at any time weighing to exceed 130 pounds. After court adjourned, Berry assailed him with a horsewhip. Leonard was unarmed, but did the best he could, and after the conflict was over, went to his office and challenged Berry, who accepted the challenge to fight with duelling pistols, on Bloody Island, where they met and Berry received a mortal wound of which a short time afterwards he died. Leonard's second in that affair was Thomas J. Boggs, brother of Lilburn W. Boggs, at one time Governor of this State.

About the year 1840 Claib F. Jackson was challenged by Gen. John B. Clark, for some sarcastic criticism by Jackson of a letter written by Clark, in which Clark spelled the word "rascal" with a "k" instead of a "c." Jackson accepted the challenge to fight with rifles, in a very few days, on the Bonne Femme, within a mile or so of Fayette, where they both resided. Jackson was an expert rifle shot, while Clark could not hit a barn door at twenty paces. Leonard was Clark's second, and wouldn't let Clark fight Jackson on the terms proposed, as I learned from Judge Leonard, when on one occasion, talking of the difficulty, I remarked that I thought that Clark rather showed the white feather in that affair. Leonard fired up immediately, and informed me that he had not and that he himself advised Clark in the matter; that Jackson's proposition to fight with rifles, almost within sight of their respective residences, was brutal and barbarous. Of course I had no more to say.

At the time of our conversation, he and Clark were not on the most friendly terms with each other. Judge Leonard was abrupt in his manners. He was not what society people would regard as a polished man, but his abruptness and uncouthness was all on the exterior. He had a warm, generous heart, and was in his feelings a very refined man. I never heard him use an obscene word in my life. In swearing, however, when a little excited, he would have held his own with the army in Flanders.

Thomas L. Anderson, of Palmyra; Uriel S. Wright, of Palmyra, who afterwards located in St. Louis; Alexander W. Doniphan, of Clay; John B. Clark, of Howard, and P. R. Hayden, of Cooper, were distinguished as advocates. Hayden was also an excellent lawyer, and while the others did not rank with Leonard, Geyer and Hayden, as lawyers, they had no equals at the bar as advocates. Anderson was earnest and eloquent. Wright was one

of the most accomplished men in the West, and some of his forensic efforts were equal to those of Curran or Grattan.

Doniphan was a majestic man, upwards of six feet high, bearing some resemblance to Henry Clay; and on the stump or addressing a jury, one of the most adroit, skillful and powerful men I have ever heard.

John B. Clark was a diamond in the rough. With but little education or culture, he was one of the most successful advocates in the State. In Howard, Randolph, Boone, Macon and Cooper, he was almost omnipotent in jury trials.

In 1847 William A. Hall succeeded John D. Leland as Judge of the Howard Circuit, and was a man of great ability. His brother Willard, a few years his junior, was the better lawyer, because a man of more application and industry, and for a number of years was the leading lawyer of Northwest Missouri, with few superiors in the State.

Broadhead was then a young man, rapidly reaching the front rank of lawyers, and leaving Pike County he located in St. Louis, where very soon he was recognized as one of the ablest lawyers at that bar. He is a man of remarkable intellect, and the ablest arguments I ever heard as Judge of the Supreme Court were made by Colonel Broadhead. He is not only learned in the law, but is a scholarly, cultured man, without a particle of pedantry, and one of the most guileless mortals I ever knew. He has no malice, or envy in his composition, and has a heart full of love and kindness for mankind.

Samuel T. Glover went from Palmyra to St. Louis, where he outranked all others at that bar. As a constitutional lawyer, I do not think he had a superior in Missouri or in the West. He was a very earnest man in any case in which he was retained or any cause he espoused. He was nervous and irritable, but the very soul of honor.

Vories, at one time a Judge of the Supreme Court, and Silas Woodson, who served a term as Governor of the State, and was recently Judge of the Criminal Court of Buchanan County, occupied enviable positions at the bar. Vories was a very able man, with a limited education, but by application overcame that difficulty, and took his place among the foremost members of the bar of the State.

In 1854, as State Superintendent of common schools, I visited Platte County officially. The Circuit Court was in session, and my old friend, Elijah Hise Norton, was on the bench. I knew him slightly before I went to Jefferson City, and served a term with him on the Supreme Bench. Norton is a man of a vast fund of common sense, and that was his forte as a Judge. There is no foolishness about him. He takes up a subject for investigation and discards everything that does not tend to elucidate and moves right on to a conclusion. He was a popular Judge, and a courteous and agreeable associate.

At Lexington were French and Sawyer. French had a high standing at the bar, but I never had the pleasure of his acquaintance. Sawyer was then a good lawyer, and after the war located at Independence, and was for some time Judge of this judicial circuit. He was a lawyer of fine attainments and an excellent man.

At Independence were Hicks, Hovey, Smart, Chrisman and Comingo. Samuel H. Woodson had virtually retired from the practice of his profession when I located at Independence, and therefore I cannot speak of his attainments as a lawyer, but of his kind heart and generous nature I could speak, nor say too much.

Hicks ranked high as a lawyer, but I could never perceive his superiority to Hovey, Chrisman or Sawyer, and always thought him overrated. Hovey was a genius, a remarkable man, an excellent trial lawyer and well versed in the law. Chrisman, taking him on

all parts of the ground, was one of the best lawyers in the State; and Comingo, for many years his partner, not perhaps his equal in learning or ability, surpassed him as he did nearly every one else, in courtesy and kindness. He was a royal fellow and had a great big heart.

Robert G. Smart, at one time Judge of the Jackson Circuit, and holding that position when he was murdered by a squad of Federal soldiers in Saline County, where he had gone to get out of trouble and for a little recreation, was not a very able lawyer, but was an amiable, excellent man, of the strictest integrity. And of all the atrocious murders committed in this State during that infernal war there was not one less excusable than that of Judge Smart. There was not a particle of malice or meanness in his nature. He was a prudent, inoffensive man, and had as kind a heart as ever beat in a human bosom; and I have often thought, if there was no hell before the war one ought to have been improvised for such scoundrels as, in cold blood, without the slightest provocation, murdered such men as Judge Smart and Colonel Field, of Saline County.

Benton was a member of the Missouri bar, as was Atchison, but neither of them ever made any great mark as a jurist, although Atchison was at one time, I believe, a Circuit Judge. Benton might have been a great lawyer, but political life was more congenial to his nature. His was a grand character. He had a massive brain, and now that the heat of the political conflicts in which he was engaged in Missouri has disappeared, all men, of all parties, must recognize Benton as one of the ablest statesmen whom this country has produced. He was an imperious, domineering man, of iron will, determination and courage, but honest to the highest degree. Atchison was not his equal, but was a man of fair ability and popular with the people of the State and his associates in the United States Senate, but for his popularity was indebted more to his social than his intellectual qualities.

James S. Green did not have high rank as a lawyer when elected to the Senate of the United States, but afterwards developed into a very superior lawyer. He had wonderful tact as a debater, and was the only man in this State who was anything like a match for Benton on the stump. He was skillful, ingenious, humorous, and full of nerve and energy, and Benton found on the stump in Missouri, as Douglas did in the Senate of the United States, that it required more than a little giant to overcome him.*

There were many interesting characters among the old lawyers of Missouri. Many of them I knew personally, others only from reputation. I knew Doniphan, Atchison and all the men I have named, except Benton and French, personally. I never had the honor of Benton's acquaintance. I never saw him until 1849, after the inauguration of the anti-Benton war in Missouri, in which I enlisted against him — like an ass — for which I have a thousand times felt like kicking myself for a fool. He was unquestionably right in that controversy. I see it now; and his public addresses in the wonderful canvass he made in Missouri were full of prophecies which have been fulfilled to the letter.

It has taught me a lesson — never to espouse a cause so warmly as not to admit the possibility that I may be in error, and I submit it as a wise rule for your guidance through

* On page 65 of this work occurs an error respecting Senator Green, which the author, Mr. W. O. L. Jewett, desires the editor to correct. Misled by Judge Bay's "Bench and Bar of Missouri," and other authorities, Mr. Jewett there states that Mr. Green was expelled from the United States Senate in 1861, because of disloyalty. On investigation of the records at Washington, Mr. Jewett found that the Legislature of Missouri failed to select a successor to Senator Atchison on the expiration of his term in 1854, and that there was therefore a vacancy until Mr. Green was chosen in December, 1856, or January, 1857. The fact that he was elected to fill an unexpired term, which ended March 4, 1861, and that he served but four years, is perhaps responsible for the error that he was expelled from the Senate on account of his secession views. According to the best information now at hand, Mr. Green lived, at different times, in both Canton and Monticello, Lewis County.—*The Editor.*

life. If all men would act upon it, proscription and persecution would have no place on the earth. We are none of us infallible; but all of us sometimes conduct ourselves as if we thought we could not possibly be mistaken.

Of the bench of Missouri, I may say that hitherto it has been as free from the taint or suspicion of corruption as that of any State in the Union; and of the bar, that it is composed of as manly, fair-minded men as are to be found on this continent.

There is another lawyer of whom it always affords me pleasure to talk. He was my school-fellow and lifelong friend, personally known to many, and beloved by all who knew him.

James J. Lindley came to Missouri in 1843 and located in Lewis County; was elected Prosecuting Attorney for that judicial circuit, in which, as in all other official positions occupied by him, he acquitted himself with credit. He represented his district two terms in Congress, for the first term defeating, in a Democratic district, C. F. Jackson, one of the most popular and prominent Democrats in the State. Some time in the 'fifties he went to Davenport, Iowa, and was associated with John F. Dillon in the practice of his profession. Afterwards he returned to Missouri and located in St. Louis, where he soon became a prominent member of the bar. He was elected one of the Circuit Judges, served several years in that position, resuming the practice when he retired from the bench, and a few years before his lamented death made his home in Kansas City.

He was a successful man, and at his death left a large estate. When he made his canvass for Congress against Jackson, he was one of the best stump speakers in the State. He was not only humorous, but logical and eloquent, and had a vast fund of information, and knew just when and where to use it. He was an amiable, lovable man. It was in his canvass with Jackson that I first met him after we parted in Kentucky. He was a Whig, I was a Democrat, and it was a painful duty, as I then regarded it, which forced me to vote for Jackson against him. I was a Delegate to the Congressional Convention which nominated Jackson; but if I had not been, I was then such an arrant partisan that I would have voted against my old friend. He was a noble man, generous and unselfish, candid and honest.

Major Rollins, of Boone County, was a member of the bar, but, like Benton, preferred political to a professional life, and I think it a matter of regret that he did not stick to the law. He had the capacity to be a great lawyer; was one of the best public speakers in the United States, and when he and James S. Green met on the stump, it was a meeting of giants.

George G. Vest came to Missouri from Kentucky a few years after I did, and located in Pettis County as a lawyer. The first time I ever met Vest was at a State fair in Boonville, where he had on exhibition a magnificent Kentucky jack, with which he took the premium, and, in a different field, he has been taking premiums ever since. He was at one time a partner, in the practice of his profession, of Joseph L. Stephens, of Boonville, father of Gov. Lon V. Stephens, who was named for Vest—Lon Vest Stephens. Vest afterwards returned to Pettis County, where he and Phillips for awhile, and afterwards Hicks, were associated in the practice. Phillips and Vest are both good lawyers and superb advocates.

Thomas T. Crittenden first located at Lexington and finally at Warrensburg, where he and Francis Marion Cockrell were partners in the law practice. It was a strong firm, and in politics, Crittenden & Cockrell and Phillips & Vest were known as "The Big Four," who politically, bossed that region of the country for many years; one or the other of them getting

all the good plums that were to be gathered in that district, and are yet getting them; and I have no objection to it, for I am not prepared to say that they ever got more than they deserved. I have seen but little of Crittenden, and nothing of Cockrell in the court house, in the trial of causes, and am not prepared to speak of their ability as lawyers.

I know Crittenden intimately, and have been very close to him for many years, and have always found him fully up to the highest standard of manhood. He is a manly, chivalrous gentleman whom you may safely trust in any emergency. He is one of that rare specimen of Kentuckians who neither swears, drinks nor plays poker. But he has that other weakness of Kentuckians which I will not name — a weakness not confined to Kentuckians, but found in every clime and country on the habitable globe, inherited from Adam by every male child of his race.

I never did understand why Crittenden had none of the three vices above enumerated, but I suppose it is because he was not born and reared near Lexington in the blue grass region of which Vest is a native.

Phillips was born and reared near Rocheport, in Boone County, but has the failings of a Kentuckian, and I suppose he contracted his weaknesses by his sojourn at Danville, while a student at Centre College. Besides, there is a good deal of blue grass in Boone County, which was settled principally by blue grass Kentuckians.

When I first came to Missouri, James Gordon was Prosecuting Attorney for the judicial circuit composed of Boone, Howard, Callaway and Audrain Counties. He had a rough exterior, but was a well equipped lawyer. He was succeeded in that office by Charles H. Hardin, afterwards Governor of the State. He was a laborious lawyer and a fairly good one. As an advocate he was awkward, and by no means a captivating speaker. He dealt altogether in facts and not at all in fancy.

He was succeeded by Robert T. Prewitt, one of the ablest lawyers in that part of the State. He came of a race of lawyers. His uncle, Robert Trimble, was a Judge of the Supreme Court of the United States, but died soon after his appointment. His uncle, John Trimble, was a Circuit Judge, and afterwards one of the Judges of the new Court of Appeals of Kentucky, the establishment of which was the cause of a bitter contest in that State. His uncle, James Trimble, was an eminent lawyer in Mississippi.

Benjamin F. Stringfellow was Attorney General of the State soon after I emigrated to Missouri, succeeding Mansfield Bay. Stringfellow had an acute, active mind, and was an excellent lawyer and advocate. He had but few superiors, and if he had had the application, industry and habits which distinguished Leonard and W. P. Hall, would have stood abreast of the ablest in the profession. He was a politician and one of the most distinguished of Benton's opponents, and on the stump, Benton denounced him in the severest terms; but in vituperation and denunciation, Benton had no advantage of him. Stringfellow was not a Prohibitionist or a Washingtonian and occasionally whisky got the better of him, as it does most of us who tamper with it, and Benton, on one occasion, wrote and published some doggerel in which this weakness of Stringfellow was sharply and humorously alluded to. In the same effusion he ridiculed and lampooned Jackson, Green, Lowry and several other anti-Bentons.

Fifty years ago lawyers were more courteous to each other and to the Court than they are now. The old lawyers of Missouri were models in that respect. In those days, one who insulted another had to go to Bloody Island, or some other retired place, and look into the mouth of a duelling pistol or hide himself away in shame and disgrace. It was a bar-

barous way of settling a dispute, but was productive of some good results. It made men a little more careful in their speech and deportment to others, and there was more dignity and decorum at the bar than now; and it is well worth our while to consider how we may restore to the bar the urbanity and courtesy which distinguished the lawyers of that generation.

Several instances of gross insult offered by an attorney to an opposing counsel have come under my observation in this State; insults so gross that the insulted party, obeying the impulse of manhood, struck the other in open court. Now, I could not find it in my heart to condemn the man who struck the blow, and if one attorney should give the lie to another, my inclination, as a Judge, would be to impose a fine upon him and not the one who resented it like a man, with a blow.

In Missouri, to call one a liar is, in public estimation, an aggravated assault, and the very next thing to a breach of the peace. A lawyer can practice law without being discourteous to the adversary attorney, and this is a subject which the bar associations might with propriety seriously consider. The bar should be a model of politeness and courtesy, and you can, if you will, make it so. I recollect two eminent lawyers in this State (I shall not mention their names), between whom there was a feud of long standing; but at the bar, in opposition to each other, in the trial of a cause, no one would have discovered that there was bad blood between them. This was as it should be. Respect for the tribunal should prompt attorneys to be respectful in the court room to each other. Again, lawyers over zealous sometimes get beyond the bounds of propriety in their addresses to the jury, and unnecessarily abuse witnesses and parties, applying to them epithets which, perhaps strictly the testimony would warrant, but which there is no occasion to deal in, and occasionally serious consequences result.

Recently, in a neighboring county, an attorney addressing a jury, denounced in severe terms, a witness whose father, maddened by the attack upon his son, assailed the attorney and was himself shot down in the court room by the party with whom he was in litigation. I am not prepared to say that the attorney's strictures upon that young man's testimony were not warranted by the evidence; but I do say his testimony might have been commented upon and its untruthfulness exposed, if false, without the use of offensive epithets, in a manner to have impressed the jury and not enraged the parent. Let us all think of these things and cultivate courtesy at the bar. I am talking to you as if I were an old man, but young men can sometimes speak words of wisdom.

I was many years ago present at the trial of a cause in Randolph County, in which the plaintiffs had sued to set aside an old man's will. Mr. Leonard was one of the counsel and, in the progress of the trial, a female witness was giving damaging testimony against his clients. He subjected her to a rigid cross-examination. She had testified that she had heard the old lady frequently scold and abuse the old man. Leonard asked her what the old gentleman did when she would scold him. Said she, "What do you do when your wife scolds you?" Said Leonard, "I just put on my hat and walk out of the room." "Yes," said the witness, "and I have no doubt you very often put on your hat and walk out of the room, for I don't see how any woman could live with such a looking man as you without quarreling with him every day."

This produced laughter at Leonard's expense, but he took it in good part. Judge Leonard was not a handsome man; about five feet eight inches high, a large head and a small body, large face and a broad mouth, and heavy eyebrows that overhung large dark

eyes. A woman would say he was ugly, but anyone would be struck with his appearance and set him down as a genius.

George H. Burckhardt was then Judge of that judicial circuit, and died recently, after he had been on the circuit bench for more than thirty years. He was a good Judge and a good man. I knew him intimately for forty years. He was a jovial, kind hearted man, beloved by the bar, and exceedingly popular with the people of that judicial circuit, in which no man could have beaten him for Circuit Judge. There were abler lawyers in the circuit, but no better man in the circuit or in the State.

Fifty years ago Judge James Ellison, father of Judge Ellison of the Court of Appeals, Judge Andrew Ellison, of the Adair Circuit, and William C. Ellison, of Nodaway County, was Judge of a judicial circuit which extended west from the Mississippi River to Adair County, Missouri. He was a good Judge, occasionally took an active part in politics, and was a warm friend of Colonel Benton, in the fierce contest with the anti-Bentons. He was succeeded by Judge Addison Reese, brother-in-law of James S. Green, who married his sister. I never saw him or Judge Ellison on the bench, and knew but little of them as Judges or lawyers, except from reputation. I knew Judge Reese and all the Reese family in Kentucky. They and I were from the same county in Kentucky.

Hayden was a very earnest advocate, and occasionally his zeal and enthusiasm got him into personal encounters. He was a fleshy, awkward man, and once engaged in a street fight with Ned Simpson, a man of some notoriety in Boonville, and after they had fought and scuffled for some time, they were separated by the spectators; and Hayden, holding to a fence, and panting from the exercise, said to those present, "Hold him until I get my breath, and I will whip the damned rascal!"

Hayden was one of the kindest men to young lawyers I have ever known, and they all loved him. I was a young lawyer, without practice, in Boonville, and my first appearance at the bar was in a case of some importance. Hayden was plaintiff's attorney, and invited me to sit with him in the case and to make the opening speech to the jury. I did so, and do you think a young man will ever forget a kindness like that? They never do, and an elderly man lays up treasures in Heaven, who extends such courtesies to his juniors. Just think what a probation a young lawyer has to serve before he can make bread and meat at the bar. It is a wonder that so many persevere, and you who have had that experience, should not forget those days of poverty, privation and hope deferred, but reach out your hands to your younger brothers, struggling as you did. What a pleasure it is to confer a favor. And how it gladdens the heart of a young lawyer and encourages him to perseverance to be recognized and patronized by the older members of the bar, who have themselves struggled up to the front rank of the profession. The members of the bar should compose a brotherhood, and not regard each other as enemies or personal adversaries, even when opposed in the trial of a cause. A warm, generous friendship should exist among them, and each should strive to surpass all others in courtesy and kindness, as in legal learning.

The value of friendship is inestimable. "It is," as old Smollett said, "the sovereign cordial of life." It affords the chief zest to human existence. Take from me my friends and you are welcome to my life; for without friends life is a burden and death a welcome riddance of the heavy, galling load; and when such men as Comingo, Sawyer, Lindley, Pruett, Richardson, Hayden, Woodson, Burckhardt and many other warm, personal friends whom I might mention are summoned to join that innumerable host on the roll call of eternity, I feel that a part of myself has departed, and gloom and sadness fill the place in my heart which they occupied.

It is a sad thing to part forever from those we love; but it is inevitable, and as one goes out of my life I try to take in another and in that way weary through it. How true it is that "man that is born of woman is of few days and full of trouble." Therefore, we should each endeavor to do his full part to make others happy, for in contributing to the happiness of others, we derive our own chief pleasure.

You will excuse my sermonizing. I often get in the mood, and feel like preaching, not sectarianism, but the religion of love and kindness, and benevolence and charity. Charity and benevolence and courtesy are natural to man, and are only uprooted from his nature by the cultivation and indulgence of avarice, selfishness, envy and jealousy, which eat out of the heart all there is of good in it, and leave a man as a vigorous tree of the forest struck by lightning, stripped of its fruit and its foliage and standing a bare, ugly trunk, with nothing but hard wood and rough bark, fit for nothing but fuel for flames.

There were many other eminent lawyers at the bar when I came to the State, but space will not allow any special notice of them—Bella Hughes, of Platte, now of Denver; Phelps, Otter, and Thomas A. Ruffin.

Ruffin came from North Carolina to Missouri—was a nephew of Judge Ruffin of that State. He remained but a few years in Missouri, returned to North Carolina, and served several terms in Congress from that State. Felix G. Hunton and DeWitt C. Ballou were at Warsaw, Waldo P. Johnson at Osceola. Phelps was a member of Congress, recently elected when I came to Missouri. He was distinguished as a member of Congress, as in all the other public positions he occupied, for industry, energy, accuracy and integrity. He was not a genius but an able man, and one of the best executive officers in the United States. He was one of the few men who served a term as Governor of this State as popular at the end as at the beginning of his term. He was a very practical, sensible man.

Johnson and Ballou both served as Circuit Judges. I knew but little of them as lawyers but from reputation. Felix G. Hunton was a genius and was generally regarded as the ablest man at the bar in Southwest Missouri.

Little Bury Hendricks was a prominent lawyer from the same section of the State. I have been told, but will not vouch for its truth, that at one time Mr. Leonard thought that he was losing his eyesight, and employed Hendricks, then a plasterer, to read to him and write for him; and that when his term of service with Leonard expired, he obtained a license to practice law, having learned what he knew of the law from reading to Mr. Leonard. He was a lawyer of fine standing at the bar.

Foster P. Wright, in 1845 and prior to that time, was Judge of the judicial circuit embracing Benton County. I went once in a buggy with John C. Richardson, afterwards a Judge of the Supreme Court, from Boonville to the Benton Court, when the Turk and anti-Turk feud was at its height. Wright was on the bench. A feeling of uneasiness and terror pervaded the entire community, and Wright, an amiable and quiet man was on nettles.

Of the contemporary bar of Kansas City I shall say nothing. Its members have been so kind to me that I am afraid I would exaggerate their merits should I speak of them, for I am very blind to the faults of my friends and very apt to magnify their virtues.

Kansas City, Mo.,
January, 1898.

REMINISCENCES OF THE BENCH AND BAR IN CENTRAL MISSOURI.

BY THOMAS SHACKELFORD.

AS one crosses the bridge that spans the Missouri at Boonville, on the Howard County side, there will be seen clusters of willows in a dismal looking swamp. This low swamp was the location of the old town of Franklin, now long since washed away by the treacherous Missouri River and again by the building of the dikes to protect the bridge, the original location can be traced by the engineer's compass. Here the capital of old Howard County was located, whence came warriors, statesmen and lawyers who laid the foundation of our Western civilization.

The limits of Howard County extended south, west and north and covered territory now larger than many of the older States, and hence Howard County is well called the "Mother of Counties." Howard County was organized January 23, 1816, and named in honor of Gen. Benjamin Howard, who was appointed Governor of Missouri Territory to succeed Merriweather Lewis. Howard County was then organized from the western portion of St. Louis and St. Charles Counties and embraced all that portion of the State south of the mouth of the Osage and south of the dividing ridge between the Mississippi and Missouri Rivers, then embracing the territory since divided into thirty-one counties, nineteen north and twelve south of the river. The county as organized named Cole first seat of justice. David Barton was appointed Circuit Judge, on whom devolved the duties now incumbent on the County and Circuit Court. In 1817 the county seat was removed to Franklin, and was transferred to Fayette, present county seat, in 1823.

David Barton. David Barton stands pre-eminently at the head of the judiciary of this part of the State and deserves the first mention in this history of the bench and bar of Central Missouri. He was the recognized principal author of the first Constitution of the State of Missouri. How well he impressed his grand judicial mind upon the judiciary of the State is evidenced by the fact that the Barton Constitution is made the real foundation of all subsequent Constitutions. Judge Barton was afterwards elected United States Senator.

Hamilton R. Gamble. One of the lawyers who first located in Franklin was Hamilton R. Gamble, who afterwards removed to St. Louis, and was subsequently Judge of the Supreme Court, and Provisional Governor of Missouri. The history of the bar of St. Louis will doubtless do justice to the memory of this great lawyer.

The other early residents of Franklin were David Todd, who succeeded Judge Barton as Circuit Judge; Lilburn W. Boggs, afterwards Governor of Missouri; Abiel Leonard, who had removed to this place from Vermont, his native State, in 1819; and Peyton R. Hayden.

David Todd. My earliest recollection of Judge Todd and Abiel Leonard was when I was a boy. They frequently visited my father's home in Saline County, while the Judge

was holding Court at old Jefferson, the then county seat of Saline County. I remember a beautiful tribute my mother paid to this honest and upright Judge. She said to me, "Judge Todd is such a pure character that I have heard it remarked that he was never known to speak harshly of his fellow-man; that if others reviled anyone in his presence he sought to find some good in the abused man." This trait in this good man must have been sorely tried when he was removed from the office of Judge by a Constitutional Amendment (Statutes of 1845, page 52, ratified Sessions 1834 and 1835), declaring the offices of Judges in the State of Missouri vacant. Most of the Circuit Judges, who were then appointed for life, were Whigs, and while this mode of getting rid of opponents in office seemed to have been justified by party policies, yet truth must be said that this action of party spirit will ever remain as a dark spot in the judicial history of the State.

Abiel Leonard. In early life my father had impressed me with the thought of becoming a lawyer and while I was going to school in Fayette, this idea so impressed me that I was a constant attendant at the courts from 1838 until I was admitted to the bar in 1842, and since then I have been in active practice in all the courts of this State, and I will give now the impressions made upon my mind, from early boyhood, of the lawyers with whom I associated. Next to Judge David Todd, of those who began their career in Franklin, was Abiel Leonard, whom I knew intimately, having under his guidance achieved my ambition to adopt the law. A native of Vermont, he came to Missouri in 1819, at the age of twenty-one years and like many men beginning in this Western wild, taught a school in old Franklin. It will be remembered that the common law practice prevailed in our State and hence the student of law, if he succeeded in his profession, had to master the elementary works by studying "Bacon's Abridgement," "Coke Upon Littleton," "Sugden on Vendors" and above all, "Blackstone's Commentary," "Chitty on Pleading and Practice," as well as other abstruse works on law. Mr. Leonard pursued his legal readings with such assiduity that he became affected with some disease of the eye and employed Littlebury Hendricks, afterwards a prominent lawyer in Southwest Missouri, to read for him, while he made comments. It was afterward discovered that the trouble with his eyes was only a difference in the focus, which was remedied by his glasses.

I remember that while he was Circuit Attorney, that a friend of Taylor Berry was being prosecuted for some offense in connection with the land titles; when the argument was over, Berry attempted to whip Mr. Leonard. Mr. Leonard being a Northern man, felt compelled by the then state of public opinion to send a challenge to Berry, which was proof of his indomitable courage. The result of this duel is familiar to all. By the law then in force, the sending of a challenge to fight a duel by any lawyer or holder of any office, subjected such offender to disbarment or removal. Such, however, was the character this brave Vermonter impressed upon the Missourians of his acquaintance, that a petition to the Legislature to remove the disqualification was universally signed, and the disqualification was removed.

A career thus commenced could but end in success. His industry and indefatigable persistency in studying his profession, coupled with his indomitable courage, could not but impress favorably the hardy pioneers of Missouri, mostly then of Kentucky and Virginia, and his success was assured. He was emphatically a lawyer, and when he argued a point of law he so impressed the court and hearers with his earnestness that none doubted but that he felt that the great principle of justice and truth was at the foundation of his contention. When I was a student, being often associated with him, this principle so dom-

inated him that he often said to me: "When you have a case presented, see well to it that your client is *right* on *principle* and *justice*, and when so convinced, then *look* for *authority*."

When he walked the streets he seemed as if in deep study and he would often meet men and pass without a salutation. This gave a great many the idea that he was cold and unsympathetic, which was far from being the truth, for no lawyer in general practice was more kind to young lawyers, and an instance of such kindliness may here be deemed appropriate. I once was visiting Jefferson City, attending court, when he was one of the Supreme Judges. When he came down from the bench he took me by the arm and led me into his private room and while seated there, said to me: "I want to show you a singular record. Here is a suit instituted by a young man in South Missouri to make a father liable for the trespass of his son in beating a neighbor boy, alleging that the father had permitted his bad boy to run at large unrestrained. What do you think of such a case?" I commented on what I considered the want of knowledge of the lawyer in likening the boy to a vicious animal. "Oh," said Judge Leonard, "I will let the young man down *easy*. I have examined the authorities and find that such was actually the doctrine of the civil law in France." So the case of Bakeman versus Halderman, 24 Missouri, 219, will ever remain to me, a monument of the goodness of heart of this great man.

In our consultations we often differed as to the theory under which we should try a case, yet he was always considerate of my opinion. I remember one case of the kind in which we differed as to the theory that should govern the case. He presented to the Court his theory, and the Court overruled his point. He stooped to whisper to me, "Let us try your point on the Court." He presented this view and the Court sustained him, and Peyton R. Hayden, for the plaintiff, with characteristic magnanimity, mixed with a keen sense of humor, said, "I am inclined to think my brother, Leonard, is right; and if my associate counsel cannot convince your honor to the contrary we will take a non-suit," and walked out of the court room. As I walked with Mr. Leonard to our hotel, I rather felt disposed to twit him on the manner in which my point had been sustained. "Oh," said he with good humor, "the Court decided *right*, *but for a wrong reason*."

I witnessed the contest between Mr. Leonard and Mr. Hayden in the case of Craslen versus Baker, reported 8 Mo., 315. Mr. Leonard's client was under a cloud in Saline County and procured a change of venue to Howard. Woe be unto the man whose record was cloudy when Mr. Hayden was against him. In this case Mr. Hayden told the jury, with humor and sarcasm, that he (Hayden) had never been guilty of a catalogue of crimes which he named and which were those offenses of which Mr. Leonard's client was suspected. Mr. Leonard arose and asked the Court to protect his client from such uncalled for abuse. Mr. Hayden paused and turned to Mr. Leonard: "Now please observe that I have not said a word about the character of your client, but I am defending my own character."

While Mr. Leonard had great respect for the Supreme Court, he did not hesitate to controvert its opinions when he thought they were wrong on principle. I was with him when he learned of the decision of the Supreme Court in the case of Reid versus Heirs of Austin, 9 Mo., 723. He calmly remarked—"They will be compelled to take back that opinion some day," and they did in Davis versus Owensby, 14 Mo., 170.

Again he asked the Circuit Judge in Saline County whether the Court would hear an argument against a former opinion of the Supreme Court. The Circuit Judge said if he could present a good reason he would give the Supreme Court another opportunity to pass

upon the question, so the Circuit Court overruled the case of Lewis versus Lewis, 5 Mo., 27. I was present at the hearing of the case of Cheatham versus Cheatham, 10 Mo., 296.

Mr. Leonard made a powerful argument against the former opinion. The opponent of Mr. Leonard, who had brought his action on the authority of the case of Lewis versus Lewis, made an impassioned address to the Court on the presumption of Mr. Leonard, and at the conclusion of his address remarked: "I have examined all the authorities and I find none that advises me that Mr. Leonard is the Solomon of the Nineteenth century." Judge Scott made his characteristic grunt, Judge Napton's eyes sparkled and Judge McBride smiled. The bar present enjoyed the confusion of Mr. Leonard, upon whom the humor of the thing was entirely lost.

I must mention one more case to show the innate principle of justice that dominated the mind of this great lawyer. A long line of precedents in regard to buying and selling property were to the effect that if a man purchased property and did not demand a warranty, that he was remediless if there was a secret defect known only to the seller. It will be seen by reference to McAdam versus Cates, 24 Mo., 223, that Mr. Leonard, with a keen sense of justice, decides that if a seller knows of a secret defect unknown to the buyer, and he has reason to believe that the buyer would not buy if he knew thereof, then he is guilty of fraudulent concealment which would void the contract.

I remember once of Mr. Leonard alluding to his teaching school in early life as we were walking the streets of Marshall. A poor man came while under the influence of liquor and approaching us, I was surprised to see Mr. Leonard extend his hand and give a cordial greeting. As we passed on Mr. Leonard said, "That poor man went to school to me. I expect you think he is not a very creditable scholar."

It is perhaps fitting that I give a few facts bearing on the life of this remarkable man. He was born in Windsor, in the State of Vermont, May 11, 1797, educated at Darmouth College, was in 1830 married to Miss Jennette Reeves, daughter of Benjamin H. Reeves. His loving daughter, Mrs. Mary L. Everett, pays this beautiful tribute to his memory, mingled with regret: "He lived in Howard County and there passed away in 1865 at the darkest period of our country's history and before the termination of the war and the triumph of the cause he loved so well. It gives me a pang to think of it yet."

Missouri ought to be proud, as well as grateful, to the memory of a man who has left such an impress upon the judiciary of the State. I may have given this man, to whom I owe so much, too extended a notice, but I feel that the younger members of the profession will appreciate the holding up this model of a lawyer as a fitting exemplar, whom they will do well to imitate.

John B. Clark. I come now to mention one of the most remarkable lawyers in the history of Missouri. A man over the average size, tall and erect as an Indian, as he walked the streets of Fayette with stately step, a stranger would say "there is an extraordinary man." This man was John B. Clark. He cared naught for scientific pleading. He studied to get his case before the jury. He knew the history of every man on the jury, with all his associations, his likes and his dislikes, and his peculiarities of temperament. His address was not finished in artistic style, his language was not the language of one with an academic education, but he understood human nature well. He seemed to place himself in place of his client. His pathos at times was such as to win the audience as well as jury to his client's cause. Strong men wept over the pictures he drew of the wrongs inflicted on his client. If invective were needed to depict to the gaze of the jury the machinations of

the opposing party, then it came with tremendous power. He argued his case from the standpoint of common sense.

One great reason of his power was his intimate acquaintance with men. When out of the court house he was usually the center of a group of earnest listeners, and as his fund of anecdote was full, he seldom failed to interest his audience with the incidents and reminiscences of the early days of Missouri. His illustrations were apt and always to the point. His interest in his client's cause seemed to overtop every other consideration, so that sometimes he would unnecessarily overstep the bounds of prudence in his conduct toward the presiding Judge.

I witnessed an instance of this forgetfulness at the Circuit Court in Chariton County. General Clark was pressing a point of law before Judge James A. Clark, his brother. He had persistently risen at different times to urge a point on which he had been overruled. He was so persistent, indeed, that the Judge made an order fining him twenty-five dollars for contempt of court. This only added fuel to his vexation, which soon grew to hot anger. He jumped to his feet to again press his point and just as he turned to take his seat his brother spoke from the bench with a loud tone—"General Clark! Sit down!" With a sudden start he raised himself to an erect posture, and looking his brother full in the face, said: "You can fine me, but you have no right to order me to be seated. I will stand as long as I please." He thereupon carried his determination into effect, standing erect and looking at his brother. The latter peremptorily ordered the Sheriff to take General Clark to jail for contempt of court, and General Clark, as the Sheriff appeared, said, "I yield to the law, as you have the power." He then followed the Sheriff out of the court house and the whole crowd followed, leaving only the Judge and Clerk in the room. I stood in the door and saw the crowd surrounding the Sheriff and the prisoner; many declared he should not go to jail. The General tried to abate the strong sympathy of his partisans and urged the crowd to be calm, that he was obedient to law and would peaceably submit. Then old Dr. Price, of Brunswick, rushed by me in the door, ascended the bench and had a few minutes' hasty conversation with the Judge, who sent the Clerk to ask the Sheriff to stay the order and adjourn court.

On the following morning one of the most touching scenes I ever witnessed occurred. Gen. B. F. Stringfellow addressed the Court in words of apology for General Clark, who then arose to state how his intense interest in his client's cause had caused him to step beyond the limits of prudence. He apologized to the Court, and with tears streaming down his face, took his seat and the great crowd that had assembled wept, the Judge wept, rescinded both orders and peace was restored. Is it any wonder that such a man was powerful before a jury?

In the early days in Missouri nearly every lawyer was a politician. Gen. John B. Clark was no exception to this rule. In the early division of parties in this State, he was a Whig, and it was while a candidate for Governor on the Whig ticket that he had the controversy with Claiborne F. Jackson, which resulted in the General challenging Mr. Jackson to fight a duel. Jackson as the challenged party picked the place near Fayette and chose rifles at sixty paces. Mr. Leonard, who was General Clark's second, refused to permit General Clark to consent to this arrangement because the law of this State severely punished both principals and seconds for fighting a duel within its borders. General Clark held a commission in the Black Hawk Indian War, as well as in the Mormon War. When

defeated in his political aspirations, General Clark used to say that although unsuccessful, he had the consolation of making his political opponents "*roost lower.*"

General Clark was born in Estelle County, Kentucky, April 8, 1802, came to Howard County, Missouri, in 1817, came to Fayette in 1823, and was licensed to practice law in 1824 and died in Fayette in October, 1885.

Peyton R. Hayden.—Peyton R. Hayden, to whom allusion has been made, was a most remarkable man. He possessed such a power of invective that when clients wanted an aggressive opponent rather than an advocate, Mr. Hayden was sure to be employed. He was a lawyer above the average and was well versed in the elementary works. He never would give a title to any of his brother lawyers. In the great political contest of 1840, a great many bets at large odds were made between the Whigs and Democrats and after the election many Democrats in Howard County refused to pay promissory notes put up on the result of the election. Mr. Hayden was employed to prosecute. Mr. Belt, a young Democratic lawyer, pleaded the general issue and attempted to plead the gambling act under that issue, to avoid putting on record the fact of the bet. I have never witnessed such invective and abuse at the hands of any man as that poured upon the heads of the men who attempted repudiation.

Mr. Hayden's integrity was unquestioned and I must relate a bit of his advice to me in the beginning of my career. He said, "young man, let me give you some advice. Do not under any circumstances ever use the money of any client that may be placed in your charge." I, being inexperienced, asked if it was common for lawyers to follow such a course. He replied that it was only too frequently done and said the custom was full of temptation and likely to lead to dangerous embarrassments.

His literary acquirements were not great. I remember an instance, in Saline County, when a young man named Field, then a resident of Lexington, afterwards of St. Louis, was entertaining some of us young lawyers by quotations from the poets. He turned to Mr. Hayden, saying, "Mr. Hayden, what do you think of Byron's 'Childe Harold?'" Mr. Hayden replied, "Egad, sir, I did not know Byron had a child Harold."

Mr. Hayden was born in Bourbon County, Kentucky, February 8, 1796. He was licensed to practice law in Kentucky by Judge John Tremble and Benjamin Johnson. Locating in old Franklin in 1818, he taught school, removed to Boonville and died there December 26, 1855.

Among the frequent visitors to the bar of Howard County from Columbia, Boone County, were St. Clair Kirtly, James S. Rollins, John Gordon and James M. Gordon, who was Circuit Attorney. St. Clair Kirtly was regarded the most amiable member of the profession.

James S. Rollins. The first time I ever saw James S. Rollins was when he defended Chapman, indicted for murder. He was convicted on circumstantial evidence, *alone.* Major Rollins' appeal to the jury surpassed, in my youthful opinion, anything I ever heard. His impassioned address still lingers in my memory. In the closing part of his speech he endeavored to impress on the jury the result of a conviction on circumstantial evidence, when in the future time it might become apparent that the prisoner was innocent. "Gentlemen," he said, "you may destroy the life of the sprig of growing green, but alas, no power on earth can restore life to the withered plant."

James M. Gordon.—James M. Gordon was recognized as one of the best prosecutors in the State. I know little of his brother John, never having seen him but once.

Charles H. Hardin.—Charles H. Hardin, of Callaway, served as Prosecuting Attorney after Gordon. His earnestness and integrity of character made him a successful prosecutor. He was afterwards Governor of Missouri.

John Wilson.—John Wilson, another lawyer resident of Fayette, became prominent as a dealer in Spanish and New Madrid claims. While he was a diffuse pleader, and I have heard it remarked that in many cases his pleading was neither sequent or connected, yet before he was through, all necessary points and facts were incorporated.

It was this same man who wrote me the letter copied into Switzler's "History of Missouri," in reference to slavery in Missouri, page 222, and I should here, perhaps, acknowledge my indebtedness to Colonel Switzler and his excellent history for some facts connected with the early settlement of Howard County.

Joseph Davis. Another lawyer who achieved prominence in Central Missouri was Col. Joseph Davis. Emphatically a self-made man, without the opportunity to acquire an extended education, he was yet so persistent and studious that he became one of the most successful lawyers in that section of early civilization. He was not only a successful lawyer, but one of the best farmers in the county. He prided himself on this last acquirement and it is related of him that in passing by the home of Mr. Leonard, he twitted the foreman of the latter (a colored man), for permitting his corn to become so grassy. "Huh, Mastah Joe," the black man said, "We makes ouh livin' by de law and not by fahmin'." The cloud on the life of Colonel Davis was that he felt it necessary to take the life of Colonel Owen in self-defense.

Colonel Davis was born in Chester County, Kentucky, January 14, 1804, came to Missouri when eight years old, settled in the vicinity of Fayette, and died October 7, 1871.

William B. Napton. Howard County claims another distinguished jurist, whose professional character was first formed within her borders—Judge William B. Napton, who first became prominent as the editor of the Boonslick Democrat (not the Boonslick Gazette, as stated in the committee's report copied into 76 Missouri Reports). I have a copy of the paper before me, dated August 23, 1836. Col. J. O. Broadhead will, perhaps, deal with this distinguished jurist in his account of the Judges of the Supreme Court, but I consider it meet and proper that I make this allusion to one who who commenced his professional career in Howard County, and has stamped the impress of his judicial mind so indeliby on the judiciary of the State.

James H. Birch.—Col. James H. Birch, another lawyer, but rather more of a politician, first commenced life's history in Howard County. As a boy I remember him as one of the most eloquent men I ever heard. He was afterwards Judge of the Supreme Court and wrote the first opinion on that subject and the one which settled the law with regard to the manner of calculating interest in this State.

Washington Adams. I come now to speak of those of my contemporary associates at the bar who have passed away. The one who was pre-eminently and entirely a *lawyer*, was Washington Adams, of Boonville, a brother-in-law of Peyton R. Hayden. He was afterwards Supreme Judge, and will have a fitting notice, no doubt, from Colonel Broadhead. He was a man very much in earnest and without a particle of humor in his composition.

J. D. Draffin. Another, J. D. Draffin, of Boonville, whom we familiarly called "Duke," lived near Boonville in Cooper County. Without being a brilliant speaker, he was always considered a safe adviser and a good lawyer.

Joseph L. Stephens. I now come to speak of Joseph L. Stephens, whom I first knew as the partner of George G. Vest. He soon quit the active practice and devoted himself to banking. He was one of the most successful bankers in the State, and is the father of the present Governor of Missouri.

John G. Miller.—John G. Miller, of Boonville, who with a lawyer named Stewart, composed the firm of Miller & Stewart, was a brilliant speaker and one of the best advocates in Central Missouri, while his partner was regarded as one of the most skillful pleaders in that part of the State. Miller was subsequently elected to Congress and seldom appeared at the bar afterwards. Benjamin Tompkins was also a good lawyer, but was, I think, elected a Probate Judge and thus was lost sight of as a practitioner of law.

Robert T. Prewitt. Of the Howard County bar, Robert T. Prewitt was pre-eminently one of the ablest of my contemporaries who have passed away. Beginning the practice right under the shadow of the influence of Judge Abiel Leonard, who seemed to impress his individuality upon all young men with whom he came in contact, it is not strange that R. T. Prewitt became one of the leading lawyers in Central Missouri. I considered it always a high privilege to hold converse with him on abstruse propositions of law.

A few years before his death I traveled with him and John V. Turner from Keytesville to Glasgow, in the month of November. Riding along the road, the fading leaves were falling in our pathway, the sun was just sinking below the western horizon—a pensive and silent hour. We were riding slowly, conversation had in a measure subsided, when Mr. Prewitt began and repeated with great pathos and effect the whole of Bryant's "Thanatopsis," and now, after these many years, I recall this incident and feel that thus my friend fully realized in his death the last lines of this beautiful poem:

"So live, that * * * * *
Thou go not, like the quarry slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one that draws the drapery of his couch
About him and lies down to pleasant dreams."

And now as memory recalls these beautiful lines as they fell in that silent hour from the lips of my friend, it seems to me that he was reciting his own epitaph.

Mr. Prewitt was at one time the most successful Circuit Attorney in the State. He was born in Bourbon County, Kentucky, August 1, 1818, and came to Missouri while quite a boy, and died on his farm near Fayette, September 16, 1873.

John V. Turner. John V. Turner, to whom allusion is made, also located first at Keytesville, Missouri, and then at Glasgow. He was emphatically a student, and he mastered all the law that was applicable to the case. He was as timid as a woman, and this timidity was often an obstacle to success.

William Davis.—William Davis studied law in Fayette and commenced practice in Keytesville, Chariton County, and deserves mention first among the Chariton County lawyers as one of the most studious and painstaking practitioners at the bar. A brilliant career was cut short by his untimely death in early life.

Samuel C. Major. Among my contemporaries none ranked higher as a criminal lawyer than Samuel C. Major. Others will doubtless do justice to the character of this remarkable lawyer, but I can not forbear giving this notice of one who, though much younger than myself, treated me uniformly with so much courtesy, while others felt the keenness of his satire. For some reason I never had occasion to feel the temper of his Damascus blade.

When aroused he was absolutely overwhelming in anathema. I did not always write very legibly, and one of his colleagues in a suit asked him what a certain word was in my pleading. He asked, "what ought it to be?" His colleague said it ought to be so and so. He said, "then it is so and so; go and answer."

I can not give a better epitome of his character than is embodied in the resolutions of the bar on the occasion of his death, reported by myself:

"Death has again invaded our ranks. As we enter the Temple of Justice, no more will we greet the genial face and friendly smile of our lost friend, Samuel C. Major. It is with no ordinary emotion your committee contribute humble testimony to the character of our departed friend and brother. Men ordinarily judge their fellow-men from outward appearances. True manhood can only know men from intimate association; it is only as we enter into the inner recesses of the heart (often a sealed book to the ordinary observer) that we form a right estimate of character. That our brother had faults, none will deny, but true friendship requires that the mantle of charity be thrown around his faults, while we exalt his merits. For, 'How full of dread, how full of hope cometh inevitable death. Of dread, for all have sinned; of hope, for One hath saved. The dread is drowned in glory, the hope is filled with immortality.' Perhaps none of us have escaped, in the heat of the contests in the courts, the power of invective as the commanding form with the force of a tornado overwhelmed his opponents. But, oh, how much oftener have we in the social circle been entranced by the genial smile and winsome manners that made him the central figure among his friends. It is only those who have been intimately connected with him in the practice of his profession that can form a true estimate of his ability as a lawyer or his true worth as a man. No more shall we hear that clarion voice as it pleaded for mercy for his client (for his instincts were ever on the side of mercy), but now our friend himself stands before another bar, before which we must all sooner or later stand. 'For men and angels, good and ill, have rendered all this witness.' The trial is over, the jury are gone in and none can now be heard; well are they agreed; it is the verdict; it is just and fixed and final."

This remarkable man was born in Fayette, Howard County, on November 24, 1840, was the first graduate of Central College, admitted to the bar in 1860, married Lou Talbot in 1866, died April 12, 1894, having had seven children, of whom Samuel C., a son and namesake, is now a member of the bar of Howard County.

Saline County did not boast of many resident attorneys, as the county seat was migratory. The first judicial seat was old Jefferson, then Jonesborough, then Arrow Rock, and lastly Marshall, the present county seat. A man named McNutt was the first local attorney, and he mingled agriculture with the law, residing on a farm. He was a fine speaker, soon entered politics and was lost sight of as a lawyer.

Ramage and Bryant.—Lewis Ramage and John W. Bryant next enter upon the scene. The first removed from Saline County soon afterwards, and the last died a few years ago, at an advanced age. He was a prominent lawyer while engaged in active practice and as a speaker ranked above the average.

Thomas W. B. Crews.—Thomas W. B. Crews commenced a brilliant career, but soon removed to Franklin County, where he married, and gained a fine reputation as a lawyer.

William D. Muer.—William D. Muer, of Boonville, will ever be remembered as a genial, pure-spirited lawyer, who died in the prime of manhood, having earned a fair reputation and promised to become one of the most successful lawyers in Central Missouri, though for a time he practiced in St. Louis.

John F. Williams.—John F. Williams, whose career commenced in Howard County, deserves a notice here. He was a Prosecuting Attorney of the circuit, but early in the beginning of a long and successful career he moved to Macon County and will doubtless be included in the records of Northeast Missouri.

THE BENCH OF CENTRAL MISSOURI.

I have purposely left for the conclusion of this article a notice of the Circuit Judges in Central Missouri, and purpose here to give my impressions of them as men and as Judges. The first Judge, David Todd, was noticed in the beginning of this article as the victim of political animosity.

William Scott.—The first Judge whom I remember in Saline County was Judge William Scott. He was holding court at Jonesborough in an upper room of a small house, whose location was pointed out to me a short time since. Jonesborough occupied very nearly the present site of Napton. Judge Scott was regarded as a fine Judge and his subsequent election to the Supreme Bench gave him occasion to verify the opinion formed of him as a Circuit Judge.

W. B. Morrow. The next Judge of Saline County was W. B. Morrow, who had read law before he came to Missouri, but never practiced before his appointment as Circuit Judge. As Saline was soon attached to another circuit, I knew little of him as a Circuit Judge.

Judge Henderson Young, who lived in Lexington, succeeded Judge Morrow, as Saline was included in the same circuit as Lafayette County. I knew little of him as a lawyer or Judge, but I think he was regarded as a jurist of accomplishments.

John F. Ryland.—John F. Ryland was Circuit Judge a short time before his elevation to the Supreme Bench. I remember him as a Judge of great suavity of manner, and while he was deciding against you, made you feel that he did so with regret.

Russell Hicks. I have come to notice the most remarkable man who ever sat on the Circuit Bench — Russell Hicks — a man, by birth an Irishman, who, when he first came to Saline County worked as a common laborer in digging ditches around turf fences, then very common for want of rails. He studied law and practiced in Independence, and afterward lived on a farm in Jackson County.

His appearance was singular. He had red hair which he colored black, a large head, and usually shaved his temples and forehead, and when the red bristles stood out when the shaving process had been neglected for a few weeks, he presented a savage appearance. When on the bench he presented such an impassive countenance that none ever knew where his sympathies had been enlisted, if at all.

I remember once in trying a murder case before him. I was of the defense, and my client was acquitted. The Judge told me as we walked to our boarding place that he would have set the verdict aside if my client had been convicted. He was a fine lawyer, but I heard him reprove a young lawyer for attempting to read Blackstone before him, as authority. He was a bachelor and had little regard for the amenities of polite society. I remember rooming with him during court and our room had curtains in it. He wished the light

to shave by, and tying up the curtains in a knot, remarked that he never could see the sense of people building houses and putting in windows for light, and then stopping out the light with curtains.

Just before the war he was holding court in Saline County, and while he was trying a criminal for an assault on a woman, a mob entered the court house and took the prisoner from the Sheriff, likewise took two other prisoners from the jail, and lynched them in a grove near by. He followed the mob, calling on the Sheriff to summon a posse to protect the prisoner, but all in vain. After dinner he arose in his seat and adjourned court, declaring he would never hold court in Saline County again. He resigned soon afterwards, and returned to his farm, where he was continually annoyed by Kansas Jayhawkers, who robbed him of all his money and personal property. The excuse urged for taking his money was that it had the name of Claib F. Jackson upon it, alleging that the name made the bills a proper subject of confiscation.

I afterwards met him in St. Louis in 1864; found him living in a small upper room, where he slept, cooking his own meals. He said he was so straitened in his finances that he lived on ten cents a day. Here he read novels and played chess with friends who would call. After the war he returned to the farm, where he soon after died.

William T. Wood.—Judge William T. Wood succeeded Judge Hicks, but when he was a candidate after serving a term, he secured a majority of the votes, but was counted out, and Judge Townsly seated in his stead. Townsly was a stranger in Missouri and had no familiarity with our laws, but he was a man of good sense and was beginning to make a fair Judge, when Judge Wood instituted proceedings to oust him, which was done and Judge Wood took the bench again. Judge Wood was now getting well along in years, but none could ever say that he was other than a zealous, just and upright Judge. His long practice in Missouri had made him familiar with her laws, and his knowledge was of the highest value to him in the administration of justice.

A scene once occurred in his court that is indelibly impressed upon my memory. William T. Kelly, a lawyer of strong prejudice, of the Calhoun school of politics, was suing to set aside a sale of his lands, made during the war. I was acting as one of his attorneys and was sitting beside him. The opposing counsel was making severe strictures against him for waiting too long before bringing suit. The old man was deeply moved, so deeply, in fact, that he slid down from his chair and died in a few moments. Judge Wood was so greatly affected that he adjourned court and the case was afterwards removed from his court.

Judge Wood was defeated in a nominating convention by John P. Strother, who held the office a few years and resigned, I believe, and soon after removed to California. Judge Strother was regarded as a good Judge and a good lawyer. He was succeeded by the present incumbent, Richard Field, whose fearlessness and impartiality in making his decisions, coupled with his studious habits, is causing him to be regarded as a model Judge.

Thomas Reynolds. The first Judge appointed in Howard Country after Judge Todd was deposed by Constitutional amendment, was Thomas Reynolds, who was of eminent ability as a Judge, but without great capacity as a speaker. He was a politician of great prominence in this part of the State, and was afterwards elected Governor of the State of Missouri. While occupying this position he committed suicide. It is said that domestic troubles caused him to thus end his life.

John D. Leland. There was at this period no Democratic lawyer in this circuit considered sufficiently competent to occupy the high position of Judge, and so it was that John D. Leland, who lived on a farm in Saline County and had been only recently admitted to the bar in that circuit, was appointed Judge. It was he who granted me license to practice law. I remember him as a genial, kind man, of great literary acquirements, patient as a Judge and disposed to listen attentively to the arguments of counsel because he was unfamiliar with Missouri practice before his elevation to office. The effort to impeach him for want of competency failed, Mr. Leonard being one of his warmest supporters. He died while in office.

William A. Hall. While Judge Leland was in office, there came to Howard County a young man from Virginia, who soon took rank as a leading Democratic politician and lawyer. This young man was William A. Hall, who stands pre-eminently as one of the best Circuit Judges in the history of Central Missouri. He first became prominent as editor of a Democratic paper and as bank attorney. On the death of Judge Leland, Hall was appointed Judge, which position he held with eminent ability until the beginning of the Civil War. He was a bold and daring defender of the Union, and was elected with Gen. Sterling Price and myself to the Convention of 1861. He resigned his position as Judge and was elected to Congress, and when the war was over was equally courageous in urging the restoration to citizenship of those who had engaged in the Rebellion.

George H. Burckhardt. After Judge Hall's resignation there was a man appointed to the office of Judge to whom Missouri is indebted above all others for maintaining, during the war, at least, a semblance of lawful authority within his district, and thus saving the country from a state of anarchy. This man was George H. Burckhardt, of Randolph County, who held the office by successive election until his death. This kind and genial Judge has left the impress of character for justice and uprightness as a Judge upon all the citizens of this district.

I must mention an incident in his life which deeply impressed itself upon me as I listened and heard him describe the incident. He was known to be opposed to mob law in all its forms. In a county adjoining the county in which he resided, a poor man left his invalid wife at home in a sick bed, while he went to plow in his field. A devil in human form assaulted the helpless woman, fled and was arrested and confined in Huntsville Jail. The County Attorney learned that an effort would be made to lynch the brute, and had him conveyed to Kansas City. When the disappointed mob came to Huntsville the Judge remonstrated with them and asked them to let the law take its course. The Judge said to me that an old gray-headed man of his acquaintance came to him and begged permission to interrupt him in order to ask him one question. "Now, Judge, he said impressively, "*what if it had been your wife!*" The Judge said he was so startled that he turned suddenly and walked away. The old man had stated the fundamental proposition on which mob law rests. When some demon of hell breaks loose and commits some horrible crime against womankind, a man instantly inquires of himself: What if it had been my wife, daughter, mother or sister? He knows he could do but one thing — kill the creature — and he cannot consistently blame others for what he would only too quickly do. This particular brute was afterwards shot down by the husband in the court house while being tried and no indictment was ever found against him.

Now, while all good citizens must deplore this tendency to resort to mob violence, I must be permitted to suggest that the remedy does not lie in a simple condemnation of

this spirit of mob law, but that all good citizens should unite in the moral and Christian elevation of this vicious class of people, and this should be done first by compulsory education of the young and the universal establishment of reformatory schools for the young criminals, and cease to prate about banishment of the Bible from our public schools. It is gratifying to know that our State is becoming aroused to thus taking care of young criminals by the establishment of reform schools, and it is the more gratifying that one of the most prominent young lawyers in Central Missouri is devoting much of his time from a large practice to this philanthropic work. William M. Williams, of Boonville, is entitled to the gratitude of the citizens of Missouri for his earnest interest in this work by which at least seventy per cent. of the boys are reformed.*

John A. Hockaday. After the death of Judge Burckhardt, John A. Hockaday was appointed Judge and he still holds the office by consecutive elections, with the almost universal approbation of the people of his district.

James A. Clark. After the population of Missouri increased, what was once a judicial circuit extending over a vast territory, was divided into several circuits and Chariton County was attached to a circuit extending to the north of the State. Judge James A. Clark was appointed to this position and held it until he refused to take the test oath prescribed by the Drake Constitution. He was the brother of Gen. John B. Clark and is the Judge alluded to in the notice of General Clark.

Other Occupants of the Bench. Judge R. A. Debolt succeeded him, and then Judge Burgess, now a Judge of the Supreme Court. Judge Rucker, the present incumbent, succeeded Judge Burgess and is filling the office with the general approbation of the people. Of the Judges on the south side of the river, before whom I seldom practiced, I remember Judge Miller, Judge Rice, Judge Edwards and the present incumbent, D. W. Shackleford. Many lawyers commenced practice in Central Missouri, who like B. F. Stringfellow and Peter T. Able, of Chariton County, removed and became distinguished in other fields.

It has been my purpose to notice in this article prominent lawyers and Judges of my acquaintance who have passed away, but I feel constrained to refer to some with whom I have been brought in immediate contact, who with me still linger on the shores of time. Oh, how few there are! Andrew J. Herndon, of Fayette; Casper W. Bell, John C. Crenby and Charles Hammond,† of Chariton; Odin Guitar, of Boone, and George G. Vest, now United States Senator; John E. Ryland, now Criminal Judge of Lexington Circuit; John W. Henry, formerly Judge of Supreme Court, now Circuit Judge of Jackson County; Henry Wallace, of Lafayette; Thomas J. Yerby, William H. Letcher,† of Saline, and Harry Lander, of Linn; Thomas B. Reed, W. A. Austin and Thomas Kimbrough, of Randolph, and Emmet R. Hayden, of Cooper, are of those who remain.

It is with sadness I make this record of the bench and bar in Central Missouri, because of the remembrances it raises, but it is also not without pride, for I feel that the bar in Central Missouri has made an indelible impress upon the legislative and judicial policy of my native State, "Grand Old Missouri."

The Good Old Days. These early pioneers could not do otherwise than impress their personality upon every community they visited. Let the imagination go back to the time

* Mr. Williams has recently been appointed to the Supreme Bench to fill out the unexpired term of Judge Shepard Barclay, resigned. The prestige of this position will undoubtedly increase the sphere of his usefulness in all directions.—*The Editor.*

† Since the above was written, both Charles Hammond, of Chariton, and William H. Letcher, of Saline, have "pushed out on the dark waters" and away from the "shores of time," and the venerable author's former contemporaries are thus lessened by two. A biography of Mr. Hammond will be found elsewhere in this work.—*The Editor.*

when no railroad ran through any county seat, see these genial men mounting their horses with their saddle bags to go forth accompanied by the Judge of the circuit, traveling from county to county. Cases were studied on horseback — studied from principle, not alone from authority. Then at night at the farm houses and country taverns, they would meet and visit, repartee and genial good fellowship pervaded the group. Without being able to carry books, the citation of authority was taken for granted as true without a doubt. Abstruse philosophical questions were discussed freely. The fact that there was a continual communion with nature and a continued contact with the people strengthened and vivified the bench and bar and made its members absolute leaders in all questions of law and politics.

In looking over the old books in my grandfather's library I find a book published in 1802 by Hugh Blair of the University of Edinburg; I find this description of a successful advocate: "At the bar conviction is the great object. Then it is not the speaker's business to persuade the Judges to what is good or useful, but to *show* them what is *just and true.*" Such seems to have been the predominant idea in those men who moulded and shaped the judicial thought of our State, all honor to their memory.

Glasgow, Mo.,
December, 1897.

THE KANSAS CITY SCHOOL OF LAW.

BY WILLIAM P. BORLAND.

IN the early part of 1895 the idea arose among the members of the Kansas City bar of founding a law school on this western border of the commonwealth of Missouri, which should offer to students throughout the great Southwestern Territory, tributary to Kansas City, a thorough, practical and carefully chosen course in the elementary branches of the law; and thus contribute, in its way, to raising the standard of the bar and increasing the facilities for education in the West. Among those who became interested in the plan in its inception were Judge Francis N. Black, Hon. O. H. Dean, Judge Edward L. Scarritt, Hon. R. J. Ingraham, Mr. John W. Snyder, Mr. James H. Harkless, Mr. William P. Borland, Mr. Edward D. Ellison and Mr. E. N. Powell.

In September of the same year the school was formally opened in the hall of the Kansas City Real Estate and Stock Exchange, and a class of fifty-two students was enrolled. Most of these students were from Kansas City or its immediate vicinity. Since that time the school has had three prosperous years of growth, until now its enrollment exceeds one hundred students. Its influence and sphere of usefulness has also broadened, so that the students in attendance are from all over Missouri, Kansas, Iowa, Nebraska, Illinois, Tennessee, Texas and more distant States.

At the beginning of the present school year the growth of the school compelled it to fit up quarters of its own in the new Ridge Building, which it occupies at present.

The members of the faculty have applied themselves earnestly to their task under the firm conviction that by thorough and careful work in instruction they are laying broad and deep the foundations of a permanent institution of our State, feeling that the individual progress of the students is the surest guarantee of the continued growth and success of the school; they have not been ambitious for large numbers of students or for a long list of graduates, but rather for a high standard of scholarship. The examinations are rigid, and the result has been a weeding out and narrowing of the classes, so that the number of graduates is small compared with original enrollment of the class. The percentage of those who fail or drop out is becoming less, however, as the rules of the school become better understood. The faculty has felt much aided by the cordial support and encouragement it has received from the local bar and the bar of the State.

There is nothing original or experimental in the methods of instruction, and especially is this true in the curriculum. The course is bottomed on Blackstone and Kent and the time-tried and standard legal texts. Each lecture is followed by an oral examination or "quiz" by the instructor, reviewing the matter previously lectured on, and at the close of the course occurs a written examination upon the entire subject.

Following the method now almost universally adopted by all law schools situated in large cities, all of the lectures and recitations occur in the evening, after the close of busi-

ness hours. During the day time the students are encouraged to devote themselves to study in the library, or to connect themselves with the offices of practicing attorneys, where they may have access to private libraries, or to attend upon the courts. In many cases the students are able to earn part or all of their support while attending the school. In any case they are able to get the practical part of their legal education in law offices and in the courts, while they are getting the broader and more theoretical part in the school.

It has been the criticism often expressed (and not without some justice) by the older generation of lawyers, that law schools do not fulfill their aim because students in attendance upon them are completely isolated from the practical part of their profession. It has now been demonstrated that this is not necessarily true, but the need has become apparent of bringing law schools in closer touch with the profession, as is done by the methods now in vogue. While in the past, more than seventy per cent. of American lawyers were not graduates of law schools, it is safe to say that in coming generations of lawyers, that proportion will be reversed. Law schools are better and more accessible now than ever before, and more young men, determined to enter the ranks of the profession, are encouraged to avail themselves of the advantages of law schools, with a consequent elevation of the general standard of the profession.

The present method also enables busy lawyers and Judges, eminent in their profession, to devote their time and talents to the instruction of students to an extent not possible under other systems. In fact, the experience of this school has been that many practicing lawyers have been drawn by the opportunities thus afforded to enroll themselves as students, either for the purpose of increasing their acquaintance with certain branches of the law, or to review the entire course. The central idea is that law should be taught by those in the active pursuit of their profession, either on the bench or at the bar.

In the Kansas City School of Law every member of the faculty is in active professional work. The faculty is limited and compact, not on account of poverty of material, but for the greater thoroughness and certainty of the work. Each instructor has entire charge of the branches taught by him, both as to recitations and examinations, and his concurrence is necessary to the granting of a diploma.

Since the foundation of the school the faculty has been enlarged by the addition of the Hon. Charles O. Tichenor, Sanford B. Ladd, Esq., and Judge Edward P. Gates, so that the faculty now stands as follows:

Judge Francis M. Black, Equity Jurisprudence.

Hon. O. H. Dean, The Law of Corporations.

Judge Edward L. Scarritt, Bills, Notes, Commercial Paper and Banking.

Judge Edward P. Gates, Common Law and Equity Pleading.

Sanford B. Ladd, Esq., The Law of Real Property.

Hon. Charles O. Tichenor, Constitutional Law.

James H. Harkless, Esq., Code Pleading and Practice.

Hon. R. J. Ingraham, Torts and Crimes.

John W. Snyder, Esq., Agency, Partnership, Evidence and Kent's Commentaries.

William P. Borland, Esq., Contracts, Domestic Relations, Wills and Blackstone's Commentaries.

The officers of the corporation are, Judge Francis M. Black, President; Hon. O. H. Dean and Judge Edward L. Scarritt, Vice-Presidents; William P. Borland, Dean; E. N. Powell, Secretary, and Edward D. Ellison, Treasurer.

At the session of 1897 the General Assembly of the State of Missouri so amended the law relating to the admission of attorneys to practice as to provide that the diploma of the Kansas City School of Law, in common with those of the other two law schools of the State, should entitle its graduates to admission to the bar of this State without further examination. The course of instruction now embraces two years of nine months each, but it is the earnest desire of the faculty, with the co-operation of the State Universities and other law schools in the West and with the possible aid of legislation, to extend the course to three years. This has been done by law in some of the Eastern States, and the question must soon receive consideration in our own State.

Kansas City, Mo.,
January, 1898.

WILLARD P. HALL---HIS CAREER AND CHARACTER.

BY JOHN C. GAGE.

WILLARD PREBLE HALL was born at Harper's Ferry, Virginia, May 9, 1820. He was of Puritan descent, his ancestors having emigrated to Massachusetts from England in 1634. In his ancestral lines, both paternal and maternal, were many of the eminent lawyers, Judges and divines of New England. His father was a man of remarkable mechanical and scientific attainments, and a celebrated inventor. His preliminary education was had at Baltimore, Maryland, and he graduated from Yale College in the class of 1839—the same class in which were William M. Evarts and several other eminent men.

In 1840 he came to Missouri and studied law with his brother, Judge William A. Hall, of Randolph County. In 1841 he removed to Platte County, and settled at Sparta, then the county seat. A glimpse of him as he was then is given by an old citizen of Platte City, with whom he stopped over night on his trip from Randolph County to Sparta. He described him as a pale, delicate youth, dressed in blue jeans, mounted on a pony, with a pair of leather saddle bags containing his wardrobe and library. In 1843 he removed to St. Joseph, which was his home during the remainder of his life.

He stepped into immediate prominence in his profession and in politics. In 1843 he was appointed Circuit Attorney, succeeding a very capable officer. General Doniphan, speaking of him at this period, says: "He succeeded at once. System and order and logical arrangement were natural with him. He had the criminal law, and especially the statutes of the State, at his fingers' ends, and could readily refer to them in a moment's time.

"Plain and simple in his manners as a child, naturally frank and easy with everyone, he soon became a favorite, and from his youthful appearance, even a pet, with his older friends. He was a very efficient and a very conscientious officer. He prevented grand juries from presenting anything that could not be sustained, and prosecuted with great energy those he believed guilty."

In 1844, he was one of the candidates on the Democratic electoral ticket, and canvassed western Missouri, north of the Missouri River, on behalf of Polk and Dallas, and the annexation of Texas. Doniphan was the Whig candidate for the same office, and was always his antagonist in this canvass. To those who know what Northwest Missouri was in those old days, and what Doniphan was in his prime, it would be unnecessary; to those who did not know them, it would be impossible, to explain what it meant for this stripling of twenty-four years to meet that matchless orator before a people who loved and honored him as Doniphan was loved and honored in Northwest Missouri.

How well he maintained himself in the contest is best shown by the fact that he won the unqualified praise and admiration of Doniphan, and as the result, was made the nominee of his party for Congress in 1846, over the heads of many able veterans of his party.

I have an account, contained in the St. Joseph Gazette of the time, of a eulogy delivered by him July 19, 1845, upon the life and services of General Jackson. It is as follows: "We will not do Mr. Hall the injustice to attempt to give a sketch of his speech. We will only say, the matter of the address was entirely appropriate; his style was concise and perspicuous, sometimes ornamented by beautiful figures, and the composition lost nothing by the manner of delivery, for Mr. Hall is an agreeable speaker. The only objection we have heard to the address was that it was too short."

The great issue in the canvass of 1844, was the question of the annexation of Texas. In his canvass for Congress in the spring of 1846, Mr. Hall was taunted with the fact that the policy of annexation which he had advocated, had plunged the country into war with Mexico. Possibly, in the heat of debate, he had made some pledges; but, at any rate, he made proof of his good faith in his principles by volunteering as a private for service in the war. His company formed a part of Doniphan's command in his great expedition across the Plains and through New Mexico, conquering the country as he went, until he joined the army of General Scott in old Mexico; a military feat which stands in history comparable alone with the retreat of the 10,000 Greeks recorded by Xenophon in the Anabasis.

While the command was rendezvousing at Fort Leavenworth, preparing for its march, people from all parts of Hall's district came to the fort, bringing horses and mules and cattle, and other supplies for the army, and there they saw their young candidate clad in the garb and performing the menial services of a private soldier, unloading the stores from the boats and placing them in wagons. When they returned to their homes the story of his conduct was told all over the district, and the hearts of the people were touched to such an extent that, although he appeared no more in the canvass, when the election came on in August, he was chosen to Congress by a majority of more than 3,000 out of less than 10,000 votes.

After the conquest of New Mexico it became necessary to establish a government over that territory, and for that purpose to frame a code of laws adapted to its condition. General Kearney, the commander, detailed Private Hall from the ranks to do this work, in connection with Doniphan. Together they prepared the code which General Kearney afterwards proclaimed as the established military law of the territory, and which was afterwards again adopted as the Territorial code, and remained for forty-five years the fundamental law of the Territory.

No one who knew Hall and Doniphan, and the capacity of the former and the disinclination of the latter for this kind of work, will doubt that much the greater part of the labor was done by Hall. And Doniphan often said that the work was mainly Hall's. It was certainly a most remarkable duty to which this private soldier was detailed, to write the laws that were to govern the conquered country.

The printed statutes do not cover great space. On its 115 scanty pages is printed, in both the English and Spanish languages, this entire body of laws, and I venture to say that it would be impossible to find anywhere so complete and perfect a system of laws in many times the space covered here. Here we have, for example, a bill of rights announcing the great principles of civil and religious liberty which are repeated over in all our constitutions, and have passed through the hands of the greatest statesmen of England and America—but here we find them, amended and strengthened in expression, more complete and more beautiful than anywhere else.

Space does not permit me to make the comparison, but if any of you feel interested to know what kind of a lawyer Governor Hall was, I advise you to examine this book and mark the evidence it contains of ripened and matured scholarship and statesmanship, and then — remembering that it was prepared in a few days' time, amid the turmoil of the camp, by a youth of barely twenty-six years, whose short, active life had been passed on this far Western border, much of it in the saddle, in the midst of legal and political conflicts — to thus determine with what equipment of native ability, of acquired scholarship and experience, this young man set out on his career.

Colonel Hughes, in his history of the Doniphan Expedition, tells us that one day as they were engaged in preparing this code in Santa Fe, General Doniphan entered the room and announced to Hall the fact of his election to Congress. This was in August, 1846. He was immediately relieved from further duty as a soldier, but voluntarily accompanied Col. Philip St. George Cook to California, returned to Missouri the next spring, and took his seat in Congress the following winter.

He was twice re-elected to Congress and then declined further election. He acquired a high reputation in Congress as a working member.

His principal services that I can now speak of, were in securing the passage of the act donating some 600,000 acres of land to aid in the building of the Hannibal & St. Joseph Railroad, a donation which secured the construction of that road, and in greatly aiding the passage of the acts which gave to the State the school lands and the swamp lands.

At the end of his Congressional service he returned to St. Joseph and remained there in practice until 1861. In the winter of 1861, the Governor of Missouri and the Legislature, which was in session, were both strongly in favor of seceding and joining the Southern Confederacy, and for this purpose an act was passed calling an election, to be held in February of that year, to choose delegates to a State Convention, the purpose of which, as stated in the act, was "To consider the then existing relations between the government of the United States, the people and government of the different States, and the government and people of the State of Missouri, and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions, as shall appear to them to be demanded."

Mr. Hall was elected to that Convention as a Union man. In early life he had belonged to the extreme Southern wing of the Democratic party, but in 1861 his views had materially changed, and the great issue of that day found no stronger Union man in Missouri, or elsewhere, than Willard P. Hall. The convention met in due time and, instead of passing an ordinance of secession, as it was expected to do, resolved almost unanimously that Missouri had no just cause for secession.

Camp Jackson, Boonville, the flight of the State government from Missouri, soon followed. On July 30, the offices of Governor, Lieutenant Governor and Secretary of State were, by ordinance of the Convention, declared vacant, and on July 31, Hamilton R. Gamble was chosen Provisional Governor and Willard P. Hall, Lieutenant Governor.

It was then only intended that this government should be provisional and temporary until an election could be held, which was ordered for the following October. But the condition of affairs continued to be so disturbed that an election was impossible, or at least impracticable, and this provisional government remained in control during the entire war in Missouri.

Governor Gamble was in feeble health much of the time, and often absent from the State for weeks and months, and died early in 1864. He was succeeded by Mr. Hall as Governor. The burdens of the administration, therefore, were thrown very heavily upon Mr. Hall's shoulders during the entire period.

I can not undertake to recount, or even sum up, the nature, variety and extent of the services that he rendered to his State during this period. The history of those four years of war, of that Constitutional Convention and that provisional government, is entirely unwritten and generally unknown to the people of Missouri.

This government was the object of misrepresentation and abuse during its existence. No attempt has ever been made to rescue it from that reproach, and unless its history be written by some of the few remaining actors in it, it will be forever lost. We have left one man, our friend, Col. James O. Broadhead, of St. Louis, so eminently capable of performing that task, that it seems as though it would be a labor of love as well as of duty to his State, to his great and honored associates, to himself and to the truth, to do it.

I can only say that the convention, by its action in refusing to secede, and the provisional government which was established in direct hostility to secession, provoked, naturally and immediately, the enmity and rage of all secessionists and their sympathizers in the State and elsewhere. It met with nothing but the bitterest opposition and war at their hands.

This provisional government was instituted to maintain law and order. All the criminal and disorderly elements of society, which became so numerous and so defiant in war, knew it for their enemy and fought it with a rage and hatred that was not exceeded by that of the secessionists. It stood for civil government and law, entitled and bound to maintain its rightful superiority over the military power, and thus it was a constant check and curb on the military officers who operated in the State, aroused their jealosy and met a very general opposition from them.

The question of the emancipation of slaves arose at an early period of its history, and the battle over it raged to the end. The provisional government occupied the conservative middle ground, and was equally obnoxious to the radical friends and foes of the measure. And so from first to last it was assailed by the combined forces of secession and radicalism, anti-emancipation and emancipation, and defied, thwarted and over-ridden by military power. It was almost destitute of financial resources. It had many active foes and few active friends, but those few were a host indeed, the ablest, truest and best men who ever lived in Missouri; and over and above all, it had the great weight of the countenance and confidence and support of Abraham Lincoln. It carried the flag of the State and of the nation. It was our ark of public safety. With Gamble and Hall as navigators, it found its way through the storms and tempests of those terrible years, and brought its priceless cargo safe to shore. But at the close, Gamble, worn out, lay dead in his grave, and Hall looked back on the weary waste he had passed over, the long succession of days and months and years of toil and vexation, wrong and abuse, and bitterness of soul, unrelieved by any evidence of gratitude or appreciation on the part of the great majority of the people.

In January, 1865, he was succeeded as Governor by Thomas C. Fletcher. The statesmanship, fortitude and self-sacrificing devotion of Gamble and Hall during this period, entitle their names to a record in letters of gold on the fairest page of the history of our State. We can only pray — we can hardly hope — to see this tardy justice done to their memory.

He turned away from official life and from public affairs to devote his remaining life to the profession he loved so well and for which he was so eminently fitted. For nearly twenty years he followed it, practicing it in all the State and Federal courts. Almost all our public improvements of the time in this part of Missouri, the construction of the railroads and bridges, were planned and carried out under his counsel and guidance. You will perhaps remember that he was the adviser of Mr. James F. Joy in undertaking and completing his enterprises in this part of the country, such as the completion of the Cameron Branch Railroad, our bridge over the Missouri River, and the Fort Scott Railroad.

His counsel and assistance were frequently sought in important matters here. Many of us have been associated with him or met him in our cases. Wherever he went, before whatever tribunal he appeared, whether the Supreme Court at Washington, or our local courts, he was always listened to with the greatest respect and attention. Whenever a case of very great importance arose anywhere in this part of the country, he was generally employed, and he had the most extended practice of any lawyer we have ever known.

You will expect me to give you some description of this great lawyer. Let me give you, in the language of one who knew him well—the Hon. Elijah H. Norton—the ideas of the ethics and morals of our profession which he applied in his practice. Judge Norton says:

"I attribute much of his success to the fact that he made it an unbending rule never to take a position before a court that he was not satisfied was fully justified by the law. His habit was never to make a captious objection to any position taken by an adversary which he believed to be correct. He always undertook to aid and enlighten, and never to mislead the courts in which he practiced, and as a consequence, he had the respect and confidence of the Judges and his fellows at the bar. As a lawyer, he was the peer of any man in the State; as a citizen in the private walks of life, his character was without stain or reproach, and no man more than he was distinguished for incorruptibility and integrity." These are the words of friendship, but they are strictly true.

He was a remarkably fine and accurate general scholar, and he kept his classical learning, his Greek and Latin, so fresh that he was able in his later years to fit his son for Yale College. He once told me that it had been his habit for years to read some good case every day, in the early morning when his mind was fresh and clear, and thoroughly digest all its facts and principles and reasoning. He was fond of general reading for rest and recreation at other hours, but his best time and his best efforts he gave to his chosen mistress, the law.

He was always entirely respectful to the courts, no matter what might be his opinion of the capacity of the Judge. In his arguments he was concise, clear, direct, logical and entirely unostentatious. He displayed his case, not himself. The impression left from one of his arguments was of a statement of facts, clear and plain, of principles of law beyond question, and all applicable to the case, and of authorities exactly in point—rather than of any particular ability or skill in the lawyer. Tested by the maxim *ars est celare artem*, he was an incomparable artist.

His manners were frank and simple, always precisely the same, whether greeting a Supreme Judge, a President, a Cabinet Minister or one of his fellows at the bar. In this simplicity of demeanor and address there was recognized a dignity which was the more impressive the better he was known. He was so unpretentious that many thought him cold, but I know that there are those yet among us who would gladly rise and tell you of

the gratitude they still feel for the kindly word of approval and encouragement spoken by him to them in some hour of struggle and difficulty, so fitly and aptly that it still remains a treasured and beautiful memory in their hearts.

He died November 3, 1882.

His great abilities and learning, always for so many years exerted in favor of correct law, have had no small influence on the jurisprudence of our State. His shining example, his great success, by the use of methods never questioned in point of honor or propriety, his scorn and contempt for all meanness and dishonesty, his ready appreciation of honest merit, have contributed much to elevate the standard of our profession. How much of what we are and what we possess we owe to those who have gone before us, we can not tell. But this is certain, that to no man who can be named do we, the lawyers of this generation, owe more for the sound law and correct practice which we have to-day, than to Willard P. Hall.

Kansas City, Mo.,
January, 1898.

CONTEMPORARY BENCH AND BAR OF MISSOURI.

JOSHUA W. ALEXANDER,

GALLATIN.

A MAN of splendid mental stature and the highest nobility of character is Joshua W. Alexander, of Gallatin, Missouri. An evidence of superior mental and moral qualifications is a man's ability to rise superior to adverse circumstances and conditions. Measured by such a test Mr. Alexander has much to be proud of, for he is the creator of his own fortunes. He was a poor boy, with the necessity of raising himself by his own efforts, but with a noble and self-sacrificing mother to assist. Her son has always remained deeply sensible of her devotion to him and takes pride in the fact that he has struggled throughout life to attain the purposes she set before him. That he has succeeded, the fact that he is to-day one of the leaders in thought and action in his part of the State, is a lawyer of splendid reputation, and has been the recipient of high tokens of honor at the hands of the people, most plainly show.

Joshua W. Alexander was born in Cincinnati, Ohio, January 22, 1852. In 1857, when their son was five years old, his parents removed from the metropolis of Ohio to Anoka County, Minnesota, and settled on a farm. There the father, Thomas W. Alexander, died in 1859, and there lies buried. He was a native of Mercer County, Pennsylvania. His widow, who survived him, was a native of England, her name being prior to her marriage, Jane Robinson. She was a woman of the noblest Christian virtue, and of great strength of mind and purpose. Her nobility of character made a profound impress on the life of her only child, on whom she concentrated the entire strength of her affection and effort to shape his life to high and useful ends. The loss of its head entirely changed the plans of the little family. The year after the death of the husband and father (1860), the mother and son removed to Canton, Missouri, and that place and Gallatin have since been the scenes of the latter's life work and success.

It was through the efforts of his mother that he was given a good education. During the confusion of the Civil War, they returned to their old home, Cincinnati, and there the lad attended school for a term of three years. Later he entered Christian University at Canton, and there completed his literary education and graduated in June, 1872, with the degree of A. B. His mother encouraged his ambition to become a lawyer, and, therefore, shortly subsequent to leaving college he began reading law in the office of A. D. Lewis, at Canton. He later continued and completed his studies in the office of Judge Samuel A. Richardson, at Gallatin, and was admitted to the bar in 1874.

Early in his professional career the public extended to him a substantial recognition of his talents by electing him, in 1876, Public Administrator of Daviess County, and since then public and official honors have followed in an almost unbroken series. In 1882, in the middle of his second term as Public Administrator, he was elected to represent his county in the State Legislature. He was a member of that body during the session of 1883, was elected as his own successor and bore a conspicuous part in the proceedings of

the session of 1885, and was then sent back once more to participate in the session of 1887. His Legislative career reflected honor on the people he represented and established his reputation as a painstaking legislator and a man of extensive intellectual powers. The esteem in which he was held by the Legislature was shown by the session of 1887 elevating him to the position of greatest power, making him its Speaker. He daily demonstrated the wisdom of the House in its selection by presiding over its deliberations with fairness and impartiality, and displayed a decision and strength of character that greatly facilitated its work. His knowledge of parliamentary procedure is extensive. He is possessed of that discriminating judicial mind gifted with seeing the merits of any case at once and weighing them fairly, and he has that natural force of character which made of him the ideal presiding officer.

Mr. Alexander has always been a friend to the cause of education and has done invaluable work as a leading and active member of the Gallatin Board of Education for fifteen years. He was elected to the Board in 1882, and the people have ever since demanded that he serve them in that field. At this time he is at the beginning of another three years' term. He has served as Mayor of Gallatin two terms, the last term having expired but recently, and has also acted as City Attorney one term. In 1894 he was appointed by Governor Stone a member of the Board of Managers of State Insane Asylum No. 2, located at St. Joe, Missouri, and is one of the members who held over under Governor Stephens' administration.

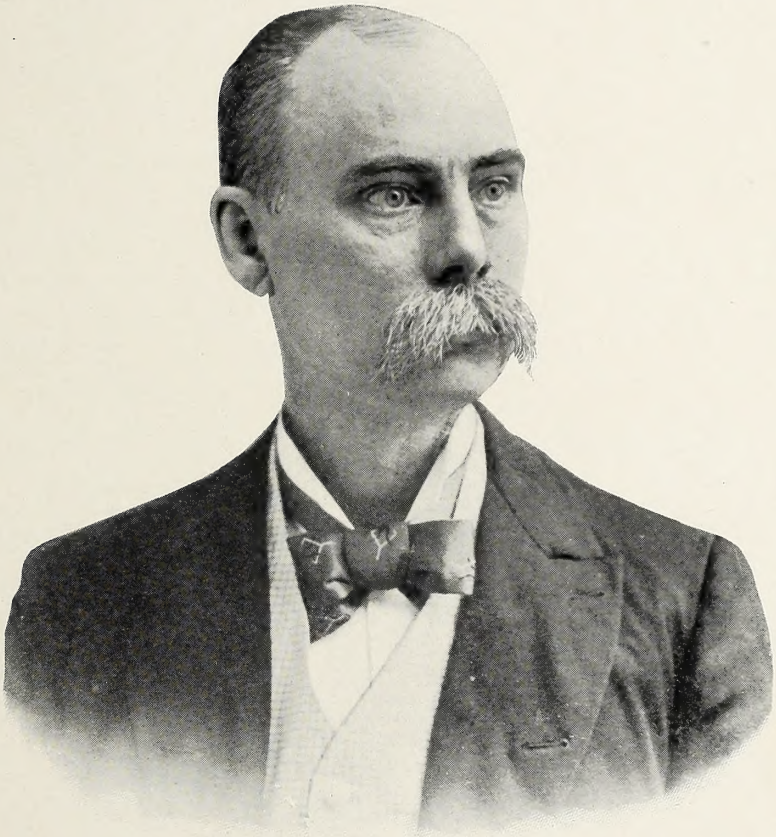
Mr. Alexander has always held his citizenship as an office involving certain duties, and his town values highly his efforts in its behalf. At this time he is President of the Gallatin Savings Bank. He is very active in church and Sunday School work, is a member of the Y. M. C. A., and of the Christian Church, and has been an Elder in the last named body for twenty years. Since February, 1890, he has been connected with the Masonic fraternity, and is likewise an Odd Fellow.

Mr. Alexander's wife was, before her marriage, Roe Ann Richardson, daughter of Judge Samuel A. Richardson, of Gallatin, Judge of the Twenty-eighth Judicial Circuit from 1872 to 1880, inclusive, and an able jurist. It was in his office the subject of this sketch partly fitted himself for the law. Mrs. Alexander's mother was, in her maidenhood, Julia A. Woodward, daughter of Maj. George W. Woodward, for many years a leading citizen of Ray County, Missouri. Mr. and Mrs. Alexander were wedded February 3, 1876, and have seven living children, three daughters and four sons. They are all bright and interesting, and with their mother, who is a woman of rare intelligence and many domestic virtues, constitute a home circle which to the father and husband is a source of continual satisfaction.

HENRY TEBBS ALKIRE,

OREGON.

HONORABLE HENRY TEBBS ALKIRE, of Oregon, at the present date Probate Judge of Holt County, Mayor of the city of Oregon and President of the School Board of said city, is a native of Northwest Missouri, having been born in Platte County, September 6, 1854. He is the son of Elijah Alkire and Sarah Farrar, who were married in 1844. The father was a Missouri farmer whose family came from Virginia. The Alkires are of German origin, but are by no means of recent American residence, as they settled



Henry P. Akers

in New York a good many years prior to the Revolution. Indeed, several members of the family fought in their country's behalf, and Mr. Alkire's great grandfather was a Major under Washington. The Farrars, to which family our subject is related in the maternal branch, are of Scotch-Irish origin, and on coming to America, first located in Kentucky, and later in Franklin County, Missouri. This last settlement was made in pioneer days, and the family has since largely increased and become prominent in various parts of the State — especially in the city of St. Louis.

The subject of this biography was educated in the common schools of Holt County (to which county his parents moved while he was a small boy), and afterwards at the State Normal School at Kirksville. He graduated at the latter institution in 1875, and during the next few years taught school and read law until 1880, when he entered the Law Department of Missouri University, at Columbia, to finish fitting himself for the legal profession. There he graduated in 1881, and, returning to his home in Holt County, was admitted to the bar at Oregon in the same year, and has made that the field of his labors ever since.

He had not practiced long until the people of Holt County began to understand that he was a young lawyer of both force and ability. Such was his character that his rearing and long residence in that county had served to increase his popularity instead of diminishing it, as is sometimes the case, owing to that disposition of men which has made truthful and expressive that apothegm which has it that "a prophet is not without honor, save in his own country." When the young lawyer became a candidate for Public Administrator in 1884, the public appreciation of his people was testified in his election by a handsome majority. In the same year his term ended (1888), he was elected to represent Holt County in the State Legislature, where during the long revising session of 1889 he made a record as one of the most conscientious and faithful public servants from his part of the State. He has twice been Mayor of the city of Oregon, having been elected in 1888, and again in 1896, and is therefore still incumbent. The citizens of Oregon claim he has made the best municipal executive the town ever had. In 1894 Mr. Alkire was elected Probate Judge of Holt County, and still occupies that position. In 1892 he was the candidate on the Republican State ticket for Secretary of State, and although the ticket was defeated, Mr. Alkire received almost a quarter of a million votes.

In fraternity circles he is known as an adept Odd Fellow, and has passed through all the chairs in that order. He is also a member of the Triple Alliance and the Christian Church. He is an enthusiastic believer in our public school system, for the past nine years has been a member of the Oregon School Board and for the last six years of that period, has been President of that body.

Mr. Alkire was married March 9, 1879, in Holt County, to Miss Margaret Alkire of that county. They have six children, the oldest of whom is thirteen. Their names are Maude, Daisy, Bessie, Henry Thatcher, Grace and Luke David.

Although much service of a public nature has been demanded of him, Mr. Alkire has in nowise neglected his professional work, and is at this time considered one of the strongest young lawyers of the northwestern part of the State. He has conducted much important litigation to a successful conclusion, among which may be mentioned Collins versus Stocking, 98 Missouri 290; State versus Huiatt, 31 Missouri Appeals 302; Minton versus Steele, 125 Missouri 181; Hahn versus Dawson, 134 Missouri 581; Hahn versus Cotton, 136 Missouri 216, and Book versus Beasley, 40th Southwestern Reporter 101. Mr. Alkire is no less prominent as a political leader than as a lawyer. He is a Republican, and in all affairs

respecting that party he is looked to for advice and counsel. He is well known to the other leaders of his party throughout the State, as is shown by the high place given him on the State ticket in 1892. He has brilliancy, is a fluent public speaker, has the personal characteristics to win popular favor, has a thorough knowledge of the ethics of his profession, and as he has also youth, it may be fairly assumed that while he has already achieved high rank as a lawyer and publicist, he will yet mount still higher and that his future will be crowned with a full measure of success.

DANIEL SMITH ALVORD,

BETHANY.

DANIEL SMITH ALVORD was born at Lottsville, Pennsylvania, January 30, 1835, and is the son of Samuel and Ursula (Smith) Alvord. He comes of Revolutionary sires in both branches of his family tree. The first American record of the Alvord family goes back to Thomas Alvord, who was a native of England and a Puritan. He emigrated from his native land, doubtless to escape the persecutions of the Stuarts, and reached Massachusetts Bay Colony in 1630, where the Pilgrims of the "Mayflower" had established a settlement a few years earlier. The family became very prominent in the colony. Daniel Alvord, the grandfather of the present Mr. Alvord, was a soldier in the Revolutionary War and served his country for seven long and dangerous years. The latter's father was a soldier in the same struggle, while in the maternal line, our subject's grandfather was likewise a patriot and saw arduous service in the contest for independence. The Smiths, like the Alvords, came to America when New England was still marked, miles apart, with pioneer settlements, surrounded by Indians. The family settled in Vermont. Mr. Alvord's paternal great grandfather was among the first to shed his blood in his country's behalf, having been wounded at Bunker Hill. Daniel Alvord, the father of our subject, was a pioneer Baptist preacher, and for many years was pastor of various churches throughout western New York. He was a soldier in the War of 1812, and thus completed the military record which gives his son, Daniel S., a father, two grandfathers and a great grandfather who resisted the tyranny of England with arms.

The subject of this sketch received his higher education at Shurtleff College, Alton, Illinois, studied law with Schofield, Ferris & Lanier, at Carthage, Illinois, and was admitted at Springfield, Illinois, by the Supreme Court in 1858. He opened an office at Hamilton, Illinois, and practiced there until 1864, when he enlisted in the One Hundred and Fifty-sixth Illinois Infantry, and served until the end of the war. He was during most of that time in active service in the South.

After coming from the army, he decided to try his fortunes in Missouri, and therefore located in Harrison County in 1865, and in Bethany, the county seat, has lived and practiced ever since. Up to 1870 he was associated in practice with Thomas D. Neal; from 1870 with Andrew Fawcet, until his death in 1879; from the date last named until 1890 with A. F. Woodruff; in 1891 he formed a partnership with E. H. Frisby, which still exists.

In 1867 Mr. Alvord was elected Prosecuting Attorney of Harrison County, and so well did he please the people that they continued him in office until 1877—a full decade. He has always been a friend of education, and for three years was a member of the Bethany

School Board. In 1880 he was a candidate for Circuit Judge on the Republican ticket, and ran again for the same office in 1892. In the last named election he polled 400 votes more than his ticket, but the Democratic majority was too strong for him. Of recent years his fellow partisans have sent him as a delegate to nearly every State and Congressional Convention in which they have been entitled to representation.

Mr. Alvord is a Republican of the most pronounced convictions, is very active and influential in all the affairs of the party, and has made speeches on the stump in almost every canvass since the birth of the party. He is a member of the Grand Army of the Republic and is an Odd Fellow of standing.

Mr. Alvord was married at Hamilton, Illinois, August 18, 1861, to Anna M. Lloyd, daughter of Capt. James Lloyd, a merchant and ship owner of Wheeling, West Virginia. Mr. and Mrs. Alvord have two children: Grace A., who married William H. Sigler, of Nebraska, and is now his widow, and Raymond L., a clerk in his father's office.

NORTON B. ANDERSON,

PLATTE CITY.

THE subject of this sketch is designated by two names that are among the best borne by the old families of Kentucky and Virginia. His mother's maiden name was Mary Norton, and connection with that family is commemorated in the given name of her son. His father's name was Edward L. Anderson, of a family familiar to and respected by many Kentuckians. Norton B. was born at Allensville, Todd County, Kentucky, January 8, 1843, but for more than thirty years has been a resident of Missouri and an honored member of her bar. He received the chief part of his education at Paducah College, and Bethel College, the last named located at Russellville, Kentucky. When he had finished the literary, or classical courses, at these colleges, in furtherance of his plan adopted some time before this to fit himself for the law, he went to Cambridge, Massachusetts, and entered the law department of Harvard University. Next, selecting Platte City, Missouri, as his location, he was there admitted to the bar in 1870.

It should be stated that Platte City was then his home and had been for four years. One of the important changes in his life prior to this was his removal from his native county in 1854, when he was eleven years old, to Paducah, on the western border of the State. In this old river town he spent his youth and attended the college above mentioned. He was twenty-three years old when he removed to Platte City in 1866, and as the years have passed, the confidence which the people of that section have accorded him, has constantly increased, and their respect for him has deepened.

In the year he began practice, he was appointed Prosecuting Attorney of the county, and from 1889 to 1892 he represented the Third Senatorial District in the Missouri Senate. His marked individuality made him a conspicuous member in that body, and through his activity and ability he pushed a number of good bills through the Legislature. He was elected President, *pro tem.* of the Senate and was second on the Joint Committee of Revision of the Missouri Statutes of 1889.

Mr. Anderson is a gentleman of pleasing address, is suave in manner and his geniality and the abundance of his spirit of good-will toward his fellow-man, is apparent in his intercourse with everybody. These personal traits make him very popular, and did he

make up his mind to enter the field of politics, he could undoubtedly be successful. But the true lawyer — the one adapted by nature to the profession — sets it above all else and as its practice is exacting, the pursuit of anything else involves legal sacrifices which such a lawyer cannot bring himself to make. Because he has not made such sacrifice, Mr. Anderson has reaped the reward of diligence and devotion to the law, and now enjoys a competency and a practice that is constantly increasing in volume.

Mr. Anderson is one of the active Masons of his section. He is considered an exceptionally "bright" member of the fraternity and has passed the lodge, chapter, commandery and Knight Templar departments and has acted as presiding officer of each. He is also an Odd Fellow and an encampment deputy. He became a member of the Masonic fraternity in the year he began law practice — 1870.

The maiden name of Mr. Anderson's wife was Virginia Marshall. They have two children, both daughters, named Mary and Irene.

WILLIAM AULL,

LEXINGTON.

IN writing a history of any man, a clear appreciation of who and what he is may be obtained through a knowledge of his antecedents and family, for "blood will tell," and while we of America are sensibly not disposed to make the accident of birth the primary consideration to personal preferment, we do recognize its value when its possessor has been tested and found to be not a departure from or exception to the regular tendency of hereditary influence.

William Aull's family is one of the best in the western part of the State. To properly give an idea of his descent, one must go to the North of Ireland and begin with his great grandfather, Hugh Aull. His son, John, married Mildred, daughter of Andrew Brown, whose wife, the mother of Mildred, was a Fanning. Of the marriage of John Aull and Mildred Brown was born John Aull, who was the father of William. The Aulls and Browns were Irish and families of standing in the old country, the former being large linen manufacturers and proprietors of large bleaching greens near Belfast.

John Aull, the father of William, was born at Newton-Limavady, Ireland, in 1823, and at the age of seventeen emigrated to America, landing at New Orleans on Christmas Day, 1841. Thence he went directly to Lexington, Missouri, which was the scene of his labors until his death in 1893. He first engaged as clerk in a Lexington store, and afterward became the proprietor of a large grocery business, whereby he amassed quite a fortune. He later engaged in the banking business, from which he finally retired. His career was no less honorable than successful. He was the man universally trusted and esteemed by everybody. Such was the confidence in which he was held, that he was always being appealed to to act in fiduciary capacities, and it was no infrequent thing for large estates to be left in his care, without desiring or requiring any bond whatever. He was during the greater part of his life a member of the Old School Presbyterian Church, and was an ardent member of the Independent Order of Odd Fellows, in which he received all the degrees in both lodge and encampment, and was at one time Past Grand Master and at another Past Chief Patriarch, and several times represented the Grand Lodge. Mr. Aull died August 12, 1893, at Philadelphia, where he had gone for medical treatment.



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Mary E. Aull, the mother of William, was the daughter of William Meteer and Sarah Meteer, nee Hunter. Both her parents were natives of Augusta County, Virginia, and her mother was the daughter of Robert and Eleanor Hunter, nee Fulton, of Augusta County, Virginia, a relative of the noted inventor, Robert Fulton. Robert Hunter was a son of Samuel and Susan Hunter, nee Alexander, of Rockbridge County, Virginia, a cousin of Archibald Alexander, the eminent divine. The origin of this family connection was generally Scotch, early settlers of Virginia, intensely Southern in their sympathies, and who testify by the scars they bear and the loved ones lost, their devotion to the cause of the Confederacy in the Civil War.

Mary E. Meteer-Aull was born in Monroe County, Missouri, March 17, 1832, and went with her parents to Callaway County. Her mother died in Ralls County, and her father in Gasconade County, and thus she was left an orphan. In 1847 she went from Callaway County to Lexington with her uncle and aunt, John and Ellen Allen, with whom she lived until she went to reside with another aunt, Isabella Wallace. For about three years immediately preceding her marriage, she resided with her friend, Miss Elizabeth Aull, the founder of the noted Elizabeth Aull Female Seminary of Lexington. She is a devout member of the Old School Presbyterian Church, and in old age is recognized as one who has given her life in true Christian charity, in denying herself for husband and family and in alleviating the sufferings of others.

Both the parents of William Aull were, during the war, intense sympathizers with the cause of the South, but neither of them ever lost an opportunity to aid their fellow-man, regardless of race, politics or religion. During the hotly contested battle of Lexington their home was made an hospital for the wounded, and when Colonel Mulligan, the commander of the Federal forces, was compelled to surrender to General Price and became the latter's captive, Mr. and Mrs. Aull; generously and with every possible attention, welcomed Mrs. Mulligan and her little daughter to their home, bidding her make it her own, and extending her kindly and considerate treatment. When Mrs. Mulligan insisted on accompanying her captive husband from Lexington, her little daughter, Marion, was left with the Aulls, and during the three or four months she remained, was the recipient of every kindness that willing hands could do or generous hearts suggest.

William Aull was born at Lexington, August 17, 1857, and was the third of a family of nine children. He was educated in the public and private schools of Lafayette County, and graduated in 1877 from the Lexington High School. He taught school several years and then entered the University of Virginia, where he graduated in 1881. While attending lectures in the select schools of the University, he also attended lectures in law under Prof. S. O. Southall, receiving the usual certificate of proficiency in international and Constitutional law. In addition to the above, he attended three special summer courses of lectures in law at the University. With such preparation, he in 1881 entered the regular law course of the University and graduated in that department under that profound lecturer and scholar, Prof. John B. Minor, and received his degree of Bachelor of Laws, being one of the leading students in a class of 125. He was a close student and inveterate worker and continued his labors at the University without vacation. He was the friend of everybody, and a general favorite with both professors and students. In the anxious discussion and conjecture of the names to be bulletined after every examination, Aull's chances were always conceded as certain, and he was the frequent recipient of the "Curl" of the lecture room. His zealous and incessant labor, however, told on his health, and, therefore, after leav-

ing the University he proceeded to Philadelphia, the Atlantic Coast, and other cities and resorts for needed rest and recreation. After this recuperative season was ended he returned to Lexington, where he was admitted to the bar in the fall of 1882. He at once entered into partnership with Hon. Alexander Graves, who had just been elected to Congress from the Fifth Missouri District. This partnership continued pleasantly and profitably for about ten years, and since its dissolution Mr. Aull has practiced alone. From his first entrance on the work of the profession he enjoyed a good practice, and although Lexington has an able and experienced bar, it may be stated that Mr. Aull enjoys the distinction of being second to none in ability as a lawyer and scholar, and in the extent and importance of practice.

As shown by the reports of our courts of last resort, Mr. Aull, as an attorney, has been connected with many important and interesting cases. He was associate counsel with Senator George G. Vest and ex-Congressman Alexander Graves on the part of the defense in the case of Cohn versus Kensler in the United States Court, in a contest over the capital prize drawn in the Louisiana State Lottery; he was of counsel selected to test the constitutionality of the local option law in the case of *ex parte* Swann in the State Supreme Court; he was of counsel for plaintiff in the case of Dixon versus Chicago & Alton Railroad Company, afterwards Church versus Chicago & Alton Railroad Company, who finally succeeded in securing four of the seven Judges before the Supreme Court of Missouri *en banc*, in confining to its narrowest limits the doctrine of exemption because of negligence of fellow-servants (Judge McFarland having been of counsel for defense and not sitting), and in confining the same to servants engaged in the same department of general service; he was of counsel in the case of Durant versus Lexington Coal Mining Company, on part of plaintiff, to test the law passed for the protection and safety of persons employed in coal mines, and in numerous other cases has caused the impress of his thorough legal knowledge and training to be stamped upon cases and precedents in the reports of this State.

For six years, commencing January 1, 1891, and ending January 1, 1897, Mr. Aull held the position of Prosecuting Attorney of Lafayette County, during which term he was acknowledged by bench and bar to be one of the ablest Prosecuting Attorneys in the State. He enjoys the distinction of having been twice nominated for this office without opposition. He was inclined to decline the nomination for the third term, but by the importunity of citizens and friends, again submitted his name and was nominated and elected for the third term.

He is a Democrat of the deepest convictions, as his education would scarcely permit of anything else. For four years he was a member of the Democratic Congressional Committee of the Fifth Missouri District, and has frequently been selected as a delegate to, and has attended as such, Democratic Congressional and State conventions.

He is one of the Directors in the Lexington Bridge and Terminal Company and a Director in the Traders' Bank at Lexington, for which last named bank and the Lafayette County Bank he is the regular attorney. For some years he has been Treasurer of the Board of Trustees of the Elizabeth Aull Female Seminary at Lexington, and is now a member of the Board of Trustees and one of the executive committee in charge of this institution. He is a member of the Old School Presbyterian Church at Lexington, and is Assistant Superintendent of the Sabbath School in said church.

On September 2, 1885, Mr. Aull was united in marriage to Miss Annie Quarles Goodman, of Gordonsville, Virginia. She was born in Louisa County, Virginia, April 7, 1859,



R. E. Ball

and is a daughter of Col. George Augustus Goodman, who was Colonel of the Thirteenth Virginia Regiment, C. S. A. He was a graduate of the Virginia Military Institute, and was a brave soldier and efficient officer during the four years of civil struggle. He was by profession a teacher, and in all respects was a Virginian gentleman of the old school. Mrs. Aull's mother was Margaret Chandler, daughter of Leroy Chandler, and one of that type of noble and estimable matrons for which the Old Dominion is so justly distinguished. On her mother's side she was of Quarles blood, her mother being a first cousin of Rev. James A. Quarles, D.D., LL.D., Professor of Philosophy in Washington and Lee University, Lexington, Virginia.

Mrs. William Aull is an accomplished woman. Gifted with a quick intelligence and eager for self-improvement, she has availed herself of every opportunity of mental culture, becoming versed in the languages and sciences, as well as in literature and music. As a poet, her verses show delicacy of sentiment, expressed in smooth and appropriate diction. For some years she was a teacher in the Inglewood Institute near Gordonsville, Virginia, and later in the Elizabeth Aull Female Seminary, at Lexington, Missouri. As a wife and mother she has made her husband's and her children's interests the one chief matter of her thoughtful and devoted attention. Much of Mr. Aull's success he gratefully attributes to the intelligent and self-denying co-operation of his wife, who has been to him a lawyer's confidential clerk. They are the parents of six bright and interesting children: Margaret, aged eleven; William, ten; John, eight; Mary, six; George, four; and Percy, a lovely baby girl of eighteen months.

ROBERT EDWARD BALL,

KANSAS CITY.

ROBERT EDWARD BALL, a young and rising member of the Kansas City bar, is a native Missourian, having been born in Carroll County, February 11, 1858. His paternal ancestor, who emigrated from Europe and thus became the patriarch of the Ball family in America, settled in Northumberland County, Virginia, near Chesapeake Bay, between the Potomac and Rappahannock Rivers, in the early dawn of the Seventeenth century. The stock was virile, and the fact that it so generally survived is eminent proof of its fitness, as there is now scarcely a township in the counties of Northumberland and Lancaster, Virginia, where one or more Balls do not reside. The family has grown into the hundreds, and this without taking an account at all of those descendents of the original settler in America who have scattered from the place where the family name was first planted.

David Ball, Robert Edward's father, was born February 6, 1831, near Epping Forest, the birthplace of Mary Ball, the mother of the immortal Washington. George Ball, from whom the representative of the family under consideration is descended, was a brother of Mary Ball's grandfather, and the family of the mother of Washington and that of the subject of this review are known to have been collateral to each other, and of the same origin.

David Ball, the father, was a native of Northumberland County and was by occupation a farmer and dealer in live stock. His wife, the mother of our subject, a native of Bedford County, Virginia, was Lucy J. Austin before her marriage, and belonged to one of the most respected families of the section where she was born. The parents left their native State during the childhood of both and settled in Carroll County, Missouri, where they were married and Robert was born.

Mr. Ball was educated in the common schools of his county and at Central College, Fayette, Missouri, where he graduated in 1880 with the degree of Master of Arts. He was an exemplary student, and took a number of medals, such as the medal for scholarship, one for oratory, and another for the best college paper article. During the latter part of his course he was a tutor in the college and after graduation, so satisfactory had been his work as an instructor, that he was induced by the faculty to continue and was made Principal of the preparatory department, occupying the position during the session of 1880 and 1881. Teaching, however, was merely a side issue with him, as he was moved by the determination to adopt the law. His first legal studies were pursued in the office of Judge Ryland, at Lexington, Missouri, during the fall of 1881. Kansas City was just then starting toward the zenith of her great boom, and the young man selected that city as his location. In February, 1882, he there entered the office of Peak & Yeager, completing his studies by January 1, 1883, on which date he was licensed to practice by the Circuit Court at Kansas City. In 1884 he was admitted to the firm with which he had read law, its style of Peak, Yeager & Ball being made to conform to this change.

Close confinement and steady application were beginning to affect the strength of the young lawyer, and this induced him to drop work for a time and go West for his health in May, 1885. He tarried a year in the more agreeable conditions of that part of the country, and its influence on his health permitted him to return in January, 1886, and resume his work where he had left off. In October, 1892, Mr. Yeager having withdrawn, the firm became Peak & Ball. As thus constituted, the association continued up to November, 1895, upon which date Mr. Peak was named as the successor of Colonel Broadhead, as Minister to Switzerland. During his absence Mr. Ball practiced with the assistance of I. P. Ryland, son of his old preceptor, Judge Ryland, of Lexington. Upon the expiration of the term of his office and Mr. Peak's return to Kansas City, the old partnership was resumed and is still in force.

Mr. Ball has never been a candidate for office, although in January, 1894, he was warmly indorsed by the Kansas City bar at a large meeting of that body, for appointment to the vacant position of Circuit Judge. In December, 1894, he was selected by Governor Stone as special prosecutor in the noted election frauds cases of that year. That he stands well with his brother practitioners is illustrated in the fact that in November, 1896, he was elected President of the Kansas City Bar Association.

August 21, 1889, the marriage of Mr. Ball and Mary Stella Hereford was solemnized. They have three children, two boys and a girl.

Mr. Ball has all the attributes of the successful lawyer. He is thorough, careful and an industrious student. Exceptionally intelligent, quick witted and with ability to concentrate his mind on the deep and involved constituents of a difficult problem of law, his rise in his profession he has chosen is assured.

OSWALD SWINNEY BARTON,

FAYETTE.

A LAWYER whose attainments do much to maintain in this day the standing and prestige of the bar of Howard County, which achieved a high reputation at a day so early that few lawyers now living can speak of it with knowledge derived from personal expe-



O. S. Barton

rience, is Oswald Swinney Barton, of Fayette, who, though a native of Kentucky, bears the name of one of Missouri's oldest families. His great grandfather was Capt. Joseph Barton, who was a pioneer of St. Louis and one of the conspicuous figures of her early history. He married Elizabeth Rector, whose brother, Thomas Rector, killed Joshua Barton. The duel was due to an article communicated to the old Missouri Republican by Joshua Barton, at that time (June, 1823), Attorney General of the State, and which made charges against Thomas Rector's brother, who was at that time Surveyor General of the Territorial district. According to Hon. John F. Darby, who knew the history of St. Louis well, the meeting occurred on the top of the Big Mound which gave St. Louis her agnomen of "Mound City."

The son of Captain Barton and Elizabeth Rector, his wife, was Wharton R. Barton, the grandfather of our subject, who became a resident of Linn County, Missouri, and one of its most influential citizens, he there having held successively the offices of Sheriff, Collector, Recorder and Circuit Clerk. His son, Rector Barton, was married in Howard County, Missouri, May 16, 1860, to Sallie C. Savage. The year following they removed to Mason County, Kentucky, and at the little village of Germantown, in that county, the subject of this memoir was born, June 29, 1862. In 1865 the family returned to Missouri, and in 1868 moved to a farm near Glasgow, Howard County, where the parents yet live.

On this farm the subject of our memoir was reared. When far enough advanced he was admitted to Pritchett Institute at Glasgow, graduated and then entered the St. Louis Law School, which he attended for one year, and finished his technical studies in the office of Hon. Thomas Shackleford, whose active career as a practitioner extends perhaps over a longer period than any other lawyer in the State of Missouri, and whose biography will be found elsewhere in this volume. After two years spent under such excellent tutelage, the young student was admitted to the bar by Judge George H. Burckhardt, at Fayette, Howard County, June 5, 1885, and began practice in Glasgow.

He remained at Glasgow until January, 1889, and then the fact that he had been elected Prosecuiting Attorney of Howard County, made necessary his removal to Fayette, the county seat. He was re-elected in 1890, but did not complete his second term, as, yielding to the impulse to seek a field farther West, he resigned his office and removed to Denver, where he was soon regularly embarked in practice. In November, 1893, he returned to Missouri, taking up his old list of clients at Glasgow. On July 1, 1897, he again changed his residence by once more removing to Fayette, the county seat. The field of his activity is virtually the same as at Glasgow, but he found it more convenient to reside at the county seat.

By the people of Central Missouri Mr. Barton is considered one of the most skillful pleaders of that bar. He is equally effective in either criminal or civil cases, but prefers the former, no doubt because it demands a fuller exercise of those gifts as an orator with which the young lawyer is highly endowed. He has engaged as counsel in a number of criminal cases of note, among others, the case of State versus James C. Talmadge. Talmadge was arraigned at Brunswick, Missouri, for the murder of Charles P. Tidd, and Mr. Barton assisted Hon. W. W. Rucker, of Keytesville, now Judge of the Twelfth Judicial Circuit, in the prosecution. Another noted case was that wherein Harley McCoy was tried for the murder of Captain Hawley of the Denver police force. In this bitterly contested trial, Mr. Barton assisted Lafe Pence, late Congressman from Colorado, in the defense of McCoy. He was also employed in the suits against the directors of the Stock Bank of

Slater, Missouri, and the directors of the Salisbury Savings Bank of Salisbury, Missouri. He has been connected with no less than fifteen murder cases since he began practice.

Owing to his oratorical powers, he is splendidly adapted to campaign work and has been a potent influence in every recent campaign. As early as 1888 he was selected as one of those to stump the State for the Democracy in the campaign of that year. In Colorado he naturally rose to the top, as men of his forcefulness and strength of character inevitably do, wheresoever their lot may be cast. In the campaign of 1892 he made a number of speeches in Colorado and Wyoming. He was then a member of the "White Wing," or Cleveland faction of the Democracy and was the nominee of that party for the State Senate, but owing to the overwhelming Republicanism of the district, he never at any time had any chance of election. In the heated campaign of 1896 he was very prominent, making over thirty speeches in various parts of the State. In the political field, he may be said, considering his age, to occupy a conspicuous position, and that his standing and popularity make easy the achievement of any future honors of that kind to which he may aspire.

Personally, Mr. Barton is a striking figure. Over six feet tall, broad shouldered, with a fine head, piercing eyes, a face smoothly shaven and mobile, he has those graces of person which strongly prepossess an audience in his favor. He is of distinguished appearance, and is one who would naturally attract the eye in a crowd.

Mr. Barton has been twice married. His first wife was Miss Lenora P. Talbot, to whom he was married January 8, 1890, and who died August 2, 1892. She was the daughter of William Talbot, of Fayette, and granddaughter of Dr. Talbot. December 12, 1894, Mr. Barton was married to Miss Maude Hays, daughter of the late Marion F. Hayes, of Howard County. Prior to her marriage she was connected with the faculty of Baird Female College, at Clinton, Missouri. Mr. Barton's first wife bore one child, a daughter, who lived but a few days. His present wife has borne a daughter, which also died in infancy.

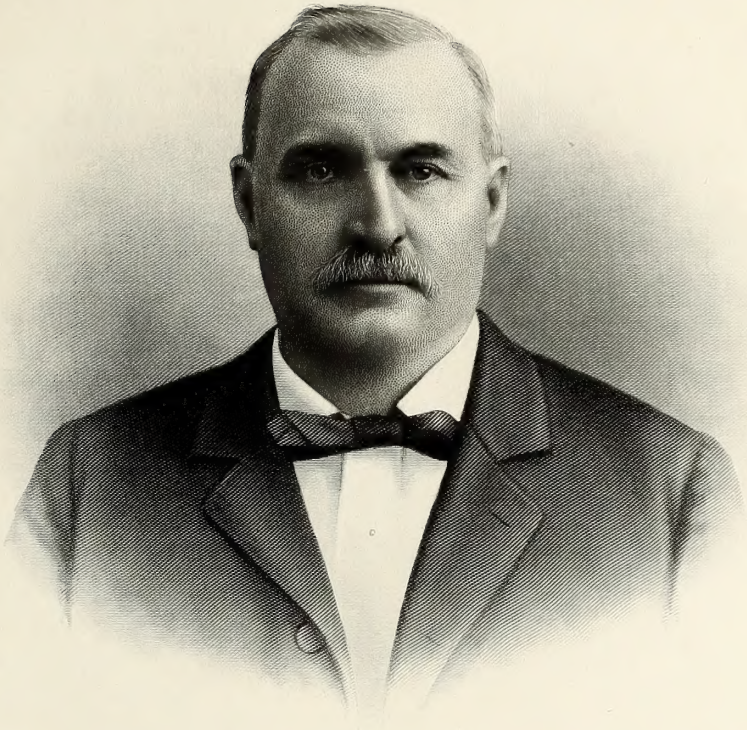
FRANCIS MARION BLACK,

KANSAS CITY.

THE subject of this brief paper has accomplished much. As a practicing lawyer, a member of the Convention which framed the present Constitution of our State, as a Circuit Judge, a member of our Supreme Court, again as a counselor and practicing attorney, as a founder of and teacher in a shool of law, as a citizen informed as to public questions, as a man of affairs, he has exhibited the highest capacity and ability. It is not often that we find a person so generously endowed.

His early youth was one of trial. His advantages for education were restricted, his means were limited, and largely procured by his own industry on his father's farm in Ohio. When he left it and located in Kansas City he came without friends and without money. He was compelled at first to deny himself the ordinary comforts of life in order to maintain an office and practice the profession to which he had dedicated his life.

His highest and only ambition was to succeed in a science which deals wholly in the ascertainment of the highest principles of morality and the wisest rules of conduct applicable to the affairs of men. To him the law had no other significance. To succeed he was willing to labor as few have done. He had chosen a noble work, and his whole life has



F. M. Black

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ennobled it. The law has been to him much more than "quirks and quibbles." He studied it broadly from the beginning. It is safe to say that it has always been difficult for him, as it is with every great lawyer, to remember a principle of law without first understanding the policy or conditions which called it into existence.

As a practitioner he became successful early in his career. His pleadings are prepared with the greatest care, and never undertaken until he first understands the facts and law of the case. In the trial of a case he is plain, simple and direct, and while not pretending to rhetorical ability, he has been remarkably successful before juries as well as courts, and the reason is that his presentment of a case is always so clear, plain and logical that there is no escape from his conclusions. He has always enjoyed the confidence of the courts to the highest degree, because of his absolute fairness and candor in his statements, both as to the law and the facts.

When he became Circuit Judge his capacity and impartiality placed him in a pre-eminent position in the esteem of the bar. He would not permit himself to decide a question in the hurry of a trial without considering and examining the authorities respecting it, and no person could be fairer than he in allowing his rulings to be reviewed by the appellate courts. The amount of work he did while Circuit Judge was something enormous.

As a member of the Constitutional Convention of 1875 he largely assisted in framing for Missouri a Constitution which has been the greatest safeguard and protection to individual liberty and property rights, for nearly a quarter of a century, which this commonwealth has ever enjoyed. He earnestly supported those many limitations upon legislative action which have so greatly benefited our State. He also strongly favored those restrictions upon the debt-making powers of the towns, cities and other municipalities of the State, which have protected them from extravagance and in many cases, bankruptcy. Through him we are chiefly indebted for the extension of the usual clause relating to the rights of eminent domain, so that it was made to provide that private property cannot be damaged for public use without just compensation. The value of this provision as now written is fully understood only in some of the larger towns and cities of the State.

His record as a member of our Supreme Court is known to every studious lawyer. His fame as a Judge of that court will grow with the increasing years, for the reason that his opinions are so clear, his conclusions so carefully stated, his reasoning so thorough and logical, that the depth and breadth of them will be more and more appreciated as commercial and social conditions improve or change. His decisions are broad enough to meet present and future conditions. He will stand in history as one of the greatest Judges of our highest court.

Upon his retirement from the Supreme Bench he resumed the practice of law in Kansas City, and has continued it with marked success ever since. He is much employed in assisting other members of our profession in their cases, and his advice is much sought. He is one of the founders and is President of the Kansas City School of Law, which has been an unusually successful institution from the beginning, and without compensation he devotes much of his time to lecturing to the students who attend it.

He is earnest and outspoken with respect to his political convictions. He has never hesitated to declare himself upon any public question. The influence of his example in being absolutely free and independent in all public matters, both local and general, has been highly beneficial. He has done much for good government in Kansas City.

He was born on a farm in Champaign County, Ohio, July 24, 1836. His father, Peter Black, was born in Pennsylvania, and his mother, Maria Hilliard, was a native of Vermont. His early education was obtained in a log school house. His father gave him a few acres of ground to cultivate, and with the income from them he paid his expenses while in college. While in college he was a tutor for a short time of a class in philosophy. He took a full course in mathematics, natural science, mental and moral philosophy, and a limited course in Latin. Whatever he learned he learned thoroughly.

In 1867 he married Miss Susan Barges Geiger, a most estimable and accomplished lady, a daughter of Dr. Albertus Geiger, a prominent physician of Dayton, Ohio. He has a family of four children, two sons and two daughters.

In his personal and business dealings, no man could be more conscientious. Without any ambition to become wealthy, he early acquired enough property to make him financially independent. His sound business judgment, united with his profound knowledge of the law, and his painstaking inquiry into all matters submitted to him, have made him one of the very best legal advisers. The influence of a strong and earnest character such as his has always been and will be of great value.

O. H. DEAN.

Kansas City, Mo.,
January 29, 1898.

LOUIS BENECKE,

BRUNSWICK.

LOUIS BENECKE, of Brunswick, was born May 1, 1843, in Blankenburg, Duchy of Brunswick, Germany, and is the son of Theodore and Augusta Benecke. His grandfather was a minister of the Lutheran Church, but after the First Napoleon had conquered the German States, and an appeal was made for volunteers to drive the French from German soil, he left his pulpit and entered the German Legion, wherein he served with fidelity until victory perched upon the banner of the German army. His son—the father of Capt. L. Benecke—was a teacher and supervisor of the forest district of Stiege (Hartz Mountain). He resigned his position mostly on account of his democratic views and came to the United States in 1856, locating at Brunswick, Missouri. His granduncle is the famous Louis A. Benecke, the German philosopher and scientist, information respecting whom may be obtained from any standard biographical dictionary or cyclopedia. Mr. Benecke's mother was a Von Buck, member of an old German family whose standing is attested by the "Von" prefixed to the surname.

Louis was first educated at a college of Blankenburg, Germany. After coming to America and locating at Brunswick, he attended the high school of the town.

He responded with alacrity to the call of his adopted country, enlisting when eighteen in Company H, Eighteenth Missouri Volunteers, for a term of three years. He entered the army as a private, but his good record won him the straps of a Sergeant. When his term expired, he re-enlisted in the spring of 1864, in the Forty-ninth Missouri Volunteers, and was commissioned Captain of Company I, serving as such until mustered out of service, August 2, 1865. He served throughout the Western campaigns of the Union forces, and was with Prentiss at the battle of Shiloh.

His study of law was taken up after his return from the army, in the office of Judge Harris, of Brunswick. He completed his legal education in the office of Judge Winslow, afterward Court Commissioner of Missouri, was admitted to the bar at Keytesville, the county seat of Chariton County, November, 1867, and began practice at Brunswick. Not only has he attained a position as a lawyer beyond that reached by most practitioners, but he has served the city, county and State in various official positions. From 1870 to 1875 he represented the Sixth Senatorial District in the State Senate and during that time was instrumental in the introduction and passage of much legislation of importance and value to the people. He was elected Mayor of Brunswick in 1866 and served seven consecutive terms in that office. Always one of the most efficient friends of the cause of public education, his importance in this respect found recognition by his maintenance for over a quarter of a century as President of the Board of Education of Brunswick. He held this office continuously from 1866 to 1892, and is still a member of the Board. He can boast that he never ran for any office in his life to which he was not elected.

In the civic life of Brunswick he is a leading factor. He is President of the Library Association; is a director of the First National Bank of Brunswick; a director of the Brunswick Brick & Tile Company and is a director and was one of the organizers of the Brunswick Cemetery Association. He is an active member of various societies and fraternities, and is especially a figure of commanding importance in the affairs of the Grand Army of the Republic, of which, from 1895 to 1896, he was the Grand Commander for the Department of Missouri. For four years he was Grand Dictator of the Knights of Honor of the State and has held all the official positions of honor in all the local associations at Brunswick.

In June, 1868, Miss Josephine Amarlan reached New York from Germany. There Mr. Benecke awaited her, and on the 23rd of the month named, they were united in marriage and their trip homeward was their honeymoon tour. Miss Amarlan is a native of Berlin and is a member of a family of position at the German Capital. One of her uncles is Judge of the Superior Court of Berlin and her brother is a Major in the German Army and a personal aide of Emperor William.

BANTON GALLITIN BOONE,

OF CLINTON.

IF there is any biography in this volume that contains to fullness the elements of encouragement to the young man with his own way to make in life, it is that of Gen. Banton Gallitin Boone, of Clinton. It is a striking illustration of what may be accomplished by the young man with spirit, industry and a good head as his only capital in life, and is no less an incentive to the young than it is an absolute demonstration of General Boone's worth and ability, for to rise from the bottom to the top solely by individual effort is the highest and most indisputable proof of manhood, strength and ability. Wholly self-educated, self-advised and self-dependent, and starting at the very beginning, he has risen to the proud position of one of the most noted members of the bar of Southwest Missouri, he has served his State as Attorney General, has been accorded various other honors by the people, and has frequently been urged by the Democratic press and his many friends to become a candidate for Governor, but has always declined to do so.

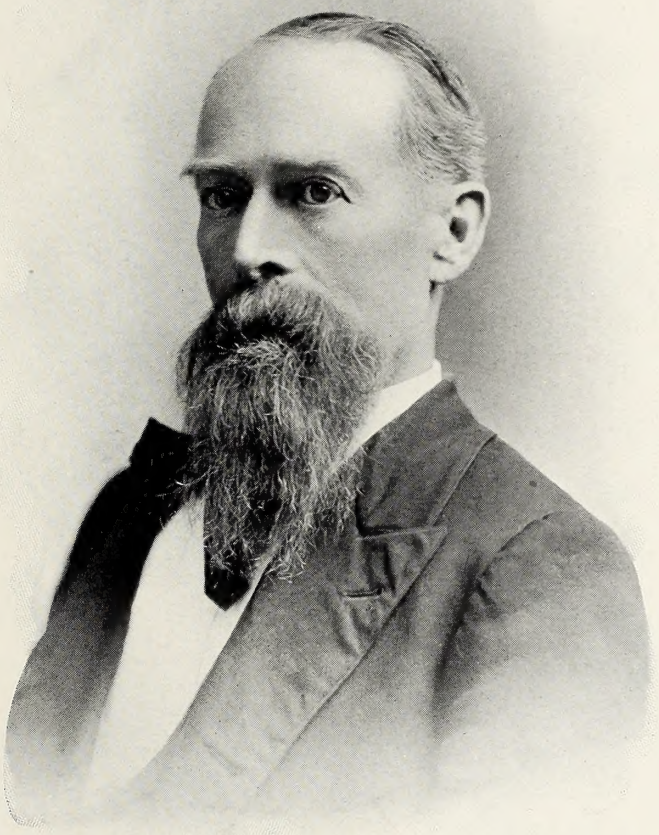
General Boone is what might be considered a double descendant of that adventurous Daniel Boone, who is destined to always occupy a place as one of the most unique figures of American history. He can trace his origin to the great Indian fighter by both branches of the family tree. He is the son of Banton Gallitin Boone and Elizabeth Boone, that being the mother's name both as maid and matron. General Boone's maternal grandfather, Samuel Boone, was the third son of Daniel Boone, and thus the noted Kentucky-Missouri pioneer was our subject's great grandfather on the maternal side. On the paternal side he was his great granduncle. Banton G. Boone, the father, was a native of Madison County, Kentucky. He was a physician, and coming to Missouri as early as 1816, settled in Callaway County and afterwards settled at Bowling Green, Pike County, which was then a settlement of Virginian and Kentuckian pioneers. Subsequently he removed to Louisiana, Pike County, and practiced there for some time, when he returned to Callaway County, where he died, August 2, 1838. After Dr. Boone died his widow returned to her parents in Callaway County, and there, three months after she buried her husband, their son was born, October 23, 1838, in the same county his celebrated ancestor chose for a residence when he had to leave Kentucky because he conceived its wild natural beauty and fitness as a place of residence was marred by the influx of civilized men.

The fatherless boy lived with his maternal grandparents until he was ten years old, and then, at that tender age, incredible as it may seem, started out for himself. In 1854, when sixteen, he turned up at Troy, Lincoln County, learned the printer's trade and shortly thereafter was one of the publishers of the Troy Gazette, the first paper published in Lincoln County. In 1856, friendless and without means, he landed at Clinton, Henry County; but he was not daunted, and turning his hand to the first thing that offered, soon secured the appointment of Deputy Circuit Clerk.

General Boone's education, like everything else he has secured in life, was achieved solely through his own efforts. He never attended school a day in his life, and yet he is a man well read, possessing a deep fund of general information, is noted as one of the best informed historians in the State and no man would know by personal intercourse that he is not college bred. He manifested high ambition when but a boy, and without encouragement or guidance, spent many a night sitting with his books before the old-fashioned open fireplace, relic of pioneer days, straining his eyes by the flickering and uncertain light of the burning logs. A boy with such fixity of purpose in overcoming adverse circumstances, is certain to win, and that this particular boy has achieved such a high degree of success is not strange when the vitality and pluck he evinced in the early "battle to survive," is understood.

When he obtained the appointment as Deputy Circuit Clerk, he at once set his mind on becoming a lawyer. He procured some books and began reading, fitting himself for his profession wholly at night after his day's work was done, and of Sundays. He was admitted to the bar at Clinton in 1860, by Judge Foster P. Wright, one of the older landmarks of the Missouri judiciary. Scarcely had he time to begin practice ere the Civil War broke out. He enlisted in the Confederate Army, and did soldierly service, never shirking a duty or shrinking from danger.

When peace was declared he returned to Clinton and began practice. In 1874 he was elected to represent Henry County in the Legislature by the largest majority ever given a candidate in the county. If he impressed the people among whom he lived, his colleagues of the House evidenced that they were no less sensible of his worth, as they elected



A. G. Moore

him Speaker of that body. The complimentary character of this election is emphasized when it is understood that General Boone's competitor for the honor in the Democratic caucus was the noted and popular Gen. James Shields. The successful candidate filled the difficult office of Speaker with ability and firmness, giving entire satisfaction to both political parties in the Legislature.

In 1884 he was elected Attorney General of Missouri, defeating in the convention of the Democratic party, D. H. McIntire, and at the general election, Judge David Murphy, now Judge of the Court of Criminal Correction, St. Louis. As the highest legal official of the State he discharged his duty in a manner to reflect credit both on himself and the people who elected him. In 1887 he was appointed by Governor Marmaduke one of the Commissioners to the Centennial of the Adoption of the Federal Constitution, held at Philadelphia, September 17, 1887. During the administration of Governor Morehouse he was appointed by that executive one of the delegates from Missouri to the Centennial of the Inauguration of George Washington, at New York, in 1889, and personally attended and participated in each of these historical occasions.

General Boone is a member of the Masonic fraternity, is a Knight Templar, and has served as Eminent Commander of Boanerges Commandery at Clinton. As may be gathered from the foregoing, he is a Democrat — one thoroughly convinced of the truth of his party principles, who believes that this is a government of liberty regulated by law, and while firm in his own opinion and convictions is courteous, conservative and tolerant of the opinions of others.

On June 4, 1874, General Boone was married at Clinton, to Irene Rogers, daughter of Dr. John A. Rogers, one of the oldest settlers of Henry County. The Rogers family are of Kentuckian origin and of the highest respectability and standing. Mrs. Boone's mother was a sister of Major General Gorman, who was Governor of Minnesota, United States Senator from that State and a cousin of Senator Gorman, of Maryland. The marriage has been blessed by two children — Bessie Edwards and Britts Gorman. The son was educated in the high school at Clinton and at Westminster College, Fulton, Missouri, and is now a law student in his father's office.

The subject of this sketch while Attorney General represented the State in the celebrated murder case of Maxwell when it came before the State Supreme Court, as well as before the Supreme Court of the United States. He was also one of the counsel, and very active, in what was known as the Hannibal & St. Joe bond case, which involved a matter of great importance to the State, General Boone being one of those who appeared before the United States Supreme Court, and secured a verdict in behalf of Missouri worth a half million dollars. General Boone is a thorough lawyer, and is effective as a speaker either before a jury or a mixed audience. He is accurate in statement, his style is always clear and he is especially versed in Constitutional law. His memorial address before the Supreme Court on the death of Judge Waldo P. Johnson, who was his friend, is generally regarded as one of the greatest speeches ever delivered before that august tribunal. It won the highest compliments from that body, which was then composed of Chief Justice Henry and Associates Ray, Sherwood, Black and Norton, admitted to be the ablest bench in Missouri judicial history.

One of General Boone's characteristics which is of the highest value to any public man, is his wonderful memory for names, faces and figures. In that respect he is almost the equal of Stephen A. Douglas. Once he has known a man, he can grasp his hand and

call him by his first name though he has not seen him for a dozen years. This is the more remarkable when his far-extending acquaintanceship is considered. It is claimed that he has a larger personal acquaintance than any other man in the State of Missouri. The Bible, Blackstone and Shakespeare are his favorite books, and he often adorns his arguments with appropriate quotations from them. He has a rare and elegant private library, and devotes much of his leisure time to general reading. General Boone well deserves to be ranked among the able and distinguished public men of Missouri. His account of the celebrated slander trial of Birch versus Benton, in this book, is well worth the historical student's perusal.

JOHN HOMER BOTHWELL,

SEDALIA.

JOHN HOMER BOTHWELL was born November 20, 1848, at the village of Maysville, Clay County, Illinois. His father, James K. Bothwell, is now living at Clay City, Clay County, Illinois, in his seventy-ninth year. His mother, Marian Bothwell, now seventy-six years old, was the eldest child of John Brissenden, Esquire, of Albion, Edwards County, of the same State. On both sides the lineage of the subject of this sketch is sturdily American, the families whose blood comingles in his veins being of the pioneer, wilderness-conquering and self-conquering stock that has made the West and is the essential greatness thereof. In the father there was the ascetic Scotch strain, tempered and mollified somewhat by a rearing in the Ohio wilderness, in what is now Vinton County. From there he migrated to Illinois to the section in which he has lived for a half century. The mother was of English stock, her parents having come to this country in the early part of the century and settled in Edwards County, Illinois.

The subject of this sketch, the second son of these parents, was educated in the common schools at Clay City, afterwards at the Indiana State University, at Bloomington, and graduating there in the class of 1869, entered the law school at Albany, New York, from which he graduated in 1871. He had previously read law in the offices of A. B. Matthews, at Albion, Illinois, and of Stuart, Edwards & Brown, in Springfield. He was admitted to practice in Albany upon his graduation, and again at Sedalia, Missouri, in the same year. In Sedalia he has lived and practiced his profession for twenty-six years. From September, 1872, to May, 1885, he was a member of the law firm of Houston & Bothwell, engaged actively in general practice in State and Federal courts, and from May, 1885, to July, 1891, was a member of the firm of Bothwell & Jaynes, which was dissolved by the death of the latter in July, 1891. Since then Mr. Bothwell has practiced alone.

He married, October 22, 1884, Miss Hattie E. Jaynes, daughter of Col. A. D. Jaynes, of Sedalia, but the estimable lady died in June, three years later, leaving no children.

Mr. Bothwell's career as a lawyer testifies to his legal ability and his peculiar fitness for the profession he adorns. To the end that some conclusion may be formed of his eminence in that field, a brief reference to his successful and active career as a practitioner is here appended. During 1873, 1874, 1875 and 1876, he was Assistant Prosecuting Attorney of Pettis County, and as such tried several hundred criminal cases, acting as the leading prosecutor in the majority of the more important cases. Acting as the representative of the State he wrote hundreds of indictments, and as an evidence of his knowledge of the law, it is of record that but one of these was quashed. His knowledge of the law is founded on a



John H. Bothwell

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wide and general experience, as the first fifteen years of his practice included cases of almost every character that it is possible to take into court. The diversity of this legal experience has been of great advantage to him. The last ten years of his life have been devoted largely to corporation practice and to acting as counselor and adviser of large financial interests. As a pleader before the bar Mr. Bothwell is eloquent and effective, and his power to thoroughly analyze and separate all the elements of a case has contributed in no small degree to his success as an attorney.

Mr. Bothwell has a political record which has brought him distinction and of which his friends are justly proud. He was a representative in the Thirty-fifth General Assembly of Missouri (1889–1891), serving through the revising session of the former year, and served with distinction on the commission which compiled, annotated and published the Revised Statutes of 1889. He was again a representative in the Thirty-eighth General Assembly, from 1895 to 1897, and held the honored position of Chairman of the House Committee on the Judiciary.

In a more strictly partisan sense he has not been without honor. He was elected in February, 1892, First Vice-President of the Missouri League of Republican Clubs. Two months later he was chosen Chairman of the Republican State Central Committee and of the Executive Committee thereof. In March, 1890, and April, 1891, he was a delegate to the National Convention of the League of Republican Clubs. In June, 1896, he was a Delegate-at-Large from Missouri to the Republican National Convention at which McKinley and Hobart were nominated. A month later he presided, with tact and fine parliamentary skill, over the deliberations of the most exciting State Convention in the history of his party in this State, a convention lasting three days, and being marked throughout with episodes which developed the presiding officer's superb qualities as a tactician and leader.

In Sedalia he is a citizen no less prominent for talents than he is popular because of his excellent qualities and public spirit. As Representative from Pettis County, Mr. Bothwell introduced the concurrent resolution proposing the amendment to the State Constitution, passed by the Thirty-eighth General Assembly and known as the capital-removal amendment. This measure, when attacked by the combined legal talent of Jefferson City, assisted by some of the ablest attorneys of the State, was unanimously sustained by the Supreme Court of Missouri, a high compliment to the legal qualifications of its author, who wrote the brief and argument on which were based the judgment and opinion of the Court. In every enterprise that has for its object the advancement of Sedalia or the State of Missouri, John H. Bothwell's time, talents and money are always at the disposal of his fellow-citizens, and in such undertakings he is always in the lead. He was for a time President of that thriving town's Board of Trade, and is now President of the Sedalia National Bank.

JAMES SHERMAN BOTSFORD,

KANSAS CITY.

NO lawyer in Missouri better deserves a place in this roster of the intellectual and the able of its bar, than James Sherman Botsford, of Kansas City. He is a learned lawyer, and as a citizen is actuated by high ideals. His status at the bar of Kansas City places him among the ablest of his professional brethren and the confidence in which he is held by those who know him best is the highest evidence of his probity and honor.

Scotch-Irish blood flows in the veins of Judge Botsford, although it has been modified by many generations of American environment. The paternal seems to have been the Scotch branch. The name was originally Abbotsford, but when the three Abbotsford brothers, who brought the name to America in the earliest days of its colonization, reached their new home, in conformity with a custom then practiced, they dropped the first syllable, making it Botsford. Two of these brothers settled in New York and the other in North Carolina. From one of the former two James Sherman is descended. These brothers were among the first settlers of Oneida County, New York. With its history the name is inseparably linked, and Judge Botsford's father, grandfather and great grandfather were born there. His grandfather married Miss McEwen, of Connecticut, and accordingly, the blood of that historic family is a part of our subject's inheritance. Seymour Botsford, an uncle, emigrated to Texas at an early day and was a participant in its war of independence, being one of the patriots who gave his life at San Jacinto.

James Sherman is the son of John S. and Rhoda (Look) Botsford. His father emigrated from Central New York, in the early '30's, to the wilds of Wisconsin. He purchased 160 acres of land from the Government, in the midst of the wild and tangled forests of Waukesha County, and at once devoted his energies to taming it. There he died in 1851, when the subject of this biography was but seven years old. His widow, left with five small children of whom James was the elder son, married again and still lives on the old home place in Wisconsin.

It was on his father's Wisconsin farm that James was born, June 10, 1844, and amidst such primitive and healthful surroundings the boy's early youth was spent. He attended the public and private schools near his home, and when qualified, entered the high school at Lisbon, Illinois. While a pupil at this institution, the Civil War broke out. The boy responded with alacrity to the call of his country. He enlisted as a private in the Fifth Wisconsin, and served gallantly for three years, being but sixteen at the time of enlistment in May, 1861. At the battle of the Wilderness, May 5, 1864, he was seriously wounded in the right shoulder, and after lying in a Washington hospital until September, was honorably discharged and returned home.

He was learned in war, but not as well in books as he wished to be. He therefore resumed his studies, which included the law, pursuing the latter branches at Morris, Illinois. He passed his examination before the Supreme Court at Ottawa, Illinois, and was duly admitted to practice in 1866. His desire to seek a field farther West was responsible for his location at Sedalia a few months subsequently. In 1870 he was elected City Counselor of Sedalia, and in 1872 he removed to Jefferson City. A year prior to this he was appointed United States Attorney for the Western District of Missouri, serving two terms, the last one ending in 1877. It should be noted that this and the other position referred to are the only offices ever held by him, and both were in direct line with his profession. This is not due to the fact that no opportunities of political preferment have offered, for on the contrary he could have held many offices, but with the instinct of the true lawyer, he refused all advances not in direct harmony with the ethics of his profession. In 1879 he removed to Kansas City and has since continued in practice there, now being senior member of the firm of Botsford, Deatherage & Young, the last named being his district's representative in the State Senate.

Judge Botsford is prominent in Masonic circles, is a Knight Templar and a Knight of Pythias; he is also an active member of the G. A. R. He is a staunch Republican and is valued no less in the councils of that party than on the stump.

Judge Botsford's wife was Sallie M., daughter of Col. William A. Warner, of Kentucky. She is a granddaughter of Gen. Leslie Combs, of Kentucky. They were wedded November 16, 1871.

SAMUEL BOYD,

MARSHALL.

ONE of the class of older lawyers who added luster to the Missouri bar in the changing days just subsequent to the war, is the subject of this brief memoir, who is one of the brightest and most successful of those who achieved a high place at the bar. Like many of the early settlers of Central Missouri, he is a native of Kentucky, having been born at Flemingsburg, December 20, 1834. He is, therefore, now entering upon the closing years of a career that has been as honorable to himself as useful to his fellowmen.

Mr. Boyd is a lawyer both by education and by instinct. His father, Wilson P. Boyd, was a lawyer of eminent attainments, was a member of the Kentucky Senate from 1843 to 1851, and was appointed by the Legislature of Kentucky chairman of a committee charged with receiving Gen. Zachary Taylor at Louisville, en route to Washington to be inaugurated President. Up to 1858 he was a Whig, and was a dominating force in that party. In the year last named he changed his political faith, becoming a Democrat, and so continued to the end of his life. He was a lawyer of fine ability and great intellectual force. He, in 1857, moved with his family to Bloomington, Illinois, and in 1866 from there to Arcola, Illinois, where he died. His widow, our subject's mother, who was born Susan E. Lacy, survived her husband, living with her daughters until her death, March 10, 1877.

Samuel Boyd grew to manhood in his native Kentucky town, and received a college education. In 1854 he began the study of law in his father's office. Some time after his admission he came to Missouri, locating in Saline County, and during the great campaign of 1859 and 1860 he had charge of a newspaper known as the Saline County Standard, and this he conducted with consummate skill and ability. In the summer of 1861 he cast his lot with the Confederacy and went South with Price's Army. He remained, however, but a short time, and then returned to Marshall and began the legal career which has been continued successfully through so many years.

For years Mr. Boyd has stood at the head of the Saline County bar. He has been especially effective as a criminal lawyer, and has a record of many triumphs in that field. He, of course, practices in both the civil and criminal departments, and the field of his practice has extended to many parts of North Missouri, and even into Nebraska and Kansas. He is rated by his brethren as one of the ablest of his profession, and is loved and esteemed, especially by the older members of the bar, who in earlier times "rode the circuit" with him. He abounds in reminiscences of the men and events of those days of the "youth of the West," and like all of the veterans, loves to revert to the scenes of those simple, happy days. Keen, quick to discern the strong points in his own case,

and the weak ones of his antagonist, his memory and his sagacity are rarely ever at fault, and his power over a jury consists in the clearness and forcible simplicity with which his arguments are addressed to their intelligence.

For the past two years Mr. Boyd has been in failing health, and has been compelled to largely relax his professional efforts. To one of his energetic methods and former activity of life, this enforced idleness is irksome; but he has borne his suffering without complaint and with the fortitude of the true hero.

March 12, 1861, Mr. Boyd was married to Miss Fannie M. Clarkson, daughter of Dr. E. S. Clarkson, of Saline County, formerly of Kentucky. Mrs. Boyd died February 10, 1866, leaving three children, namely: Caroline Russell, Wilson Porter and Francis H. Mr. Boyd again married July 21, 1868, espousing Miss Marguerite M. Clarkson, sister of his first wife. To this marriage have been born five children, two of whom, Samuel, Jr., and Isabelle, are living.

PHILIP SHELLEY BROWN,

KANSAS CITY.

THE oldest resident lawyer and one of the oldest citizens of Kansas City, is Philip Shelley Brown, who has seen all those prodigious changes which have made a great and busy metropolis out of a small and unimportant village in less than a generation. Mr. Brown is a native of Pennsylvania, born in Bedford County, October 14, 1833. His father, Henry Brown, was born in the same State and county. His mother, prior to her marriage, was a Shelley, a family that was among the earliest settlers of Pennsylvania, having, in fact, received a part of that domain under patent from the original owners. The Brown family was closely connected with Maryland from a long residence there, members of that family being among the earliest citizens and settlers of the State.

Young Philip Shelley was reared on a farm, as have been so many lads who as men play a conspicuous part in the affairs of urban and public life. He received his earliest education from the district school in winter; during spring and summer he assisting at making and harvesting the crops of the farm in Blair County, where his parents then resided. Aside from this earliest training he is self educated. After he left the district school he secured work for part of his time in the Sheriff's office at Hollidaysburg, Pennsylvania, and was thereby enabled to earn enough to attend the academy at that place, then under the supervision of Rev. J. H. McKinney. After attending this academy for three years, he acted on the determination to go West and seek his fortune in that land which was then the Mecca of every young man of ambition and energy who had his own way in life to make. He reached his journey's end at Davenport, Iowa. There opportunity offered to carry out his long cherished ambition to enter the profession of the law. He prosecuted his readings in the office of Hon. John W. Thompson, and was in that city admitted to the bar.

In 1858 he located in Kansas City, began practice and has been in practice there continuously ever since. In 1865, he took into partnership Ermine Case, Jr., now deceased, and later was associated with E. M. Wright and Leonard Daniels. In 1884, he formed a partnership with Benjamin H. Chapman and Mr. Brown's son, W. H. Brown, then just admitted to practice, and thus the personnel of the firm still exists, being styled Brown, Chapman & Brown.



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H. S. Brown

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Mr. Brown is a gentleman of remarkable energy and enterprise, and these qualities have manifested themselves in a number of fields outside the law. He has been actively interested in the provision of a full and complete legal library for the use of the practitioners of Kansas City, and has served as the President of the Kansas City Law Library Association, while for ten years he has acted as Treasurer of that body. Although he has never "had time to hold office," he has always manifested a deep and abiding interest in public affairs, and especially those affairs that affected his own city. He was a member of the Kansas City Council two terms, in 1864 and 1865, and as such conceived and effected many measures of marked benefit to the town in those days of its uncertain beginning. He was one of the organizers and promoters of the railroad that stretches between Olathe and Ottawa, Kansas. He was likewise a chief organizer and a member of the Board of Directors of the Kansas City, Galveston & Lake Superior Railway, now known as the Burlington, a road that was of inconceivable importance in the upward impulse it gave Kansas City and the section of country it traversed. As an officer of this road he did much to promote the construction of the bridge across the Missouri at Kansas City, an enterprise that was the virtual making of that city, and has been an active leader in scores of other enterprises having for their direct or incidental aim the glory and upbuilding of Kansas City. In fact, he may be considered one of the city's fathers; one of those indomitable men who have created that civic wonder of the century—Kansas City.

Morally, Mr. Brown is a gentleman of the highest probity and most unimpeachable character. He is a higher type of the Christian gentleman, and an ardent worker in the cause of religion and humanity. His family were Baptists, but owing to the influences that surrounded him during his school days, his sympathies were directed toward the Presbyterian form of faith, and he became a member of that church. He is now one of the leaders of the people of that church in Kansas City, and his wife is also a prominent member of the same body.

His wife and helpmeet was, prior to her marriage to him, November 3, 1858, Miss Julia A. Shaffer, the daughter of William Shaffer, a prominent citizen of Blair County, Pennsylvania. Mr. and Mrs. Brown have a most interesting family of six children, the survivors of a family of nine. Three of these six survivors are sons and three, daughters. Julia A., the eldest, is now the wife of Edward Shillito, an official of the Chicago, Milwaukee & St. Paul Railway. Lulu K. married Joseph Curd, of Kansas City, while Sadie L., the youngest of the six, is a young lady still in the house of her parents. The eldest son, W. H., deserves a word more said of him than the others, because of his close relation to his father, being his law partner. Much also could be said of him on his own merits, as he is a young man of exceptional ability and promise. In fact, he is one of the rising young men of Kansas City, and those who know him are warranted in their belief that if he lives he will yet leave an impress on the affairs of his native city. In June, 1883, he graduated from the Missouri State University, at Columbia, and was admitted to practice law in September, 1884. He is a Democrat in politics, and was recently a candidate of his party for the Legislature, and while he made a brilliant canvass, the odds were too great to overcome and he was defeated. He has also been prominently identified with secret society interests, and has taken all the degrees of both the York and Scottish Rites of Masonry, and has been the presiding officer of quite a number of the various Masonic bodies of Kansas City. Of the other sons, P. S., Jr., is in the insurance business in Kansas City. He is a Republican in politics, and has served for a term of two years in the

Lower House of the Common Council of Kansas City. Upon the expiration of his first term of office, he was elected for a term of four years (ending in 1900) to the Upper House of the Common Council. His majorities at both elections were very large, showing in what estimation he is held by his fellow-citizens. He is a bright young man and endowed with the elements to succeed in any line. The other son, Ralph J., is a young practicing physician in Kansas City, having graduated in March, 1896, at the University Medical College, of Kansas City, as President of his class, and after taking a six months' post graduate course in New York and deriving practical experience at Bellevue Hospital, returned to Kansas City for permanent location in his profession, and promises to take prominent rank therein.

WILLIAM HARRINGTON BROWNLEE,

BROOKFIELD.

DURING his forty years of residence in Linn County, Missouri, William Harrington Brownlee has attained a place in the bar of his section which has elevated him to a position as one of its representative lawyers. For this reason a brief review of his career is timely.

He was born at Princeton, Gibson County, Indiana, on January 8, 1832. His father, John Brownlee, belonged to the old Scotch family of that name, and came to America in 1790. He first went to Kentucky and then emigrated to the Hoosier State and settled in Gibson County, becoming a merchant at Princeton. He married Jane Harrington, the mother of the subject of this sketch, she being a descendant of a noted English family who settled in Kentucky more than a century ago, and it was in that State their marriage took place.

The education of the present Mr. Brownlee, both scholastic and legal, was most thorough. After a course in the common schools of Princeton, he entered the Indiana State University, where he graduated with high honors in 1855. He then studied law in his native town, in the office of Judge Embree, a member of Congress, and was admitted to the bar in 1856, at Princeton. After practicing in that town for a year he moved to Missouri, locating in Linn County. This was in 1857, and during the forty-one years between then and now, he has practiced continuously in Linn and the adjoining counties, residing the greater portion of the time at Brookfield, which is his present home.

As Probate Judge of Linn County during the troublous days from 1861 to 1864, he was constrained to hold somewhat aloof from the warring factions, though for a time he held the military position of Orderly Sergeant of Enrolled Militia; but on the bench he exhibited an ability and impartiality which gained for him the respect and admiration of both sides. The man who during those perilous times could, as magistrate, soldier and citizen, pursue his course with equanimity and fearlessness, surely had an experience and displayed a character of great judicial value and fitness. That is to say, Judge Brownlee to-day shows a mental breadth and liberality which are the natural endowments of a man who has held a high public position throughout a sanguinary epoch.

At the close of the war he practiced privately for a few years, but in 1867 he was induced to once more become a magistrate, on this occasion accepting the position of Judge of the Linn County Court of Common Pleas, which he held until 1871. This was a post requiring as much ability as he found necessary in his previous magistracy, though the

ability was of a different order. He proved himself easily equal to the task, and thereby demonstrated that he was possessed of judicial versatility and adaptability of a high degree. Notwithstanding the efficiency and integrity he has displayed on the bench, it would be proper to state here that it is as a practitioner that he will be best remembered in the County of Linn, for his pleadings at the bar in that region have extended over such a long period and have been so uniformly characterized by profound conceptions of the law, that if he had never held a Judgeship he could still contemplate his professional career with a pardonable pride.

Although his chosen avocation has made him a busy man for forty years, Judge Brownlee has always found time to take a hand in public affairs for the betterment of the community. For ten years he has been a member of the School Board of Brookfield, and the good work done in the schools of the town during that time is a potent testimonial to his careful directorship. In 1893 he established the Brownlee Banking Company, which took the place of what had previously been a private banking concern owned by himself, and for ten years he was President of the Linn County Bank, both institutions proving financial successes to a remarkable degree. He was a Democrat up to the campaign of 1896, when the split occurred on the financial issue. He being favorable to a gold standard, was very active in that cause during the campaign above mentioned.

Mr. Brownlee has been married twice, his first wife having been Miss Margaret Sandusky, a Kentucky girl, to whom he was wedded in 1859, and by whom he has two living children, Richard Emma and Walter. These sons are now Cashier and Assistant Cashier, respectively, of the Brownlee Banking Company. Their mother died in 1868, and Mr. Brownlee married again in 1869, this time to Miss Estelle Dobson, daughter of A. P. Dobson, a Virginian, and sister of Charles L. Dobson, the well known jurist of Kansas City. By this second union there is one child, a daughter named Gertrude, who is the pride and joy of the household.

GAVON D. BURGESS,

LINNEUS.

MASON County, Kentucky, has the honor of being the birthplace of Hon. Gavon D. Burgess, Judge of the Supreme Court of Missouri. Born in 1833, he was admitted to the bar in 1854 in his native State. Very early in life he developed a fondness for political contest, and was elected to the Kentucky Legislature in 1858. In 1865, the war having closed, Judge Burgess came to Missouri, and in this, as in his native State, he soon became interested in politics. In 1868 he was nominated by the Democrats of the old Sixth Judicial Circuit for Circuit Judge, but as that was before the repeal of the Drake Constitution, it was a forlorn hope from the first. In 1874 he was again a candidate for the same position in the Eleventh Judicial Circuit (formerly the Sixth), and was successful. His service of six years on the bench advised the people that they had chosen wisely and well. In 1880 he was selected for a second term, and was again elected as his own successor in 1886. In the meantime his fame as a jurist had been spreading, and accordingly, at the end of his third term he was by the Democratic party placed on its ticket and duly elected Supreme Judge of the State. In the campaigns of 1880, 1884 and 1888 he was a prominent candidate before the nominating convention, but was not successful until 1892.

Judge Burgess has been on the bench continuously for twenly-four years, which is evidence sufficient of his ripe knowledge of the law. Such a long service on the bench has been of the highest utility to his State in his exalted position. He has been a man of assimilative mind, and has not neglected to profit in the highest degree from his rich experience. It would not be placing him too high to say that he is fully up to the high average of the Judges who have occupied the Supreme Bench.

DANIEL DEE BURNES,

SAINT JOSEPH.

THE son of a noble and distinguished sire, the Hon. Daniel Dee Burnes, of St. Joseph, has proved himself a worthy inheritor of his father's mantle, and has already attained an eminence and distinction which reflect luster on the family name. Daniel Dee Burnes was born in Ringgold, Platte County, Missouri, January 4, 1851, and is the son of Hon. James Nelson Burnes and Mary (Skinner) Burnes. Both his ancestral lines, as far back as their histories go, were of that strong, courageous and indomitable class that has conquered a continent and built a great civilization — the pioneers of America. On the paternal side the house is of Scotch–Irish blood, a combination which has produced a race of men, vigorous, able, fearless, industrious and dominant, and whose representatives have left the impress of their strong individuality on every part of the earth where fate has cast them. The name could undoubtedly be traced back to a relationship with Scotland and the world and nature's sweetest and most lovable singer, Robert Burns, but while this subject of the Burnes ancestral tree is one pregnant with historic matter, and therefore of seductive charm to the historian, it is with the Present and the Living that this modern age demands he deal, and he therefore hastens to a consideration of the personage who in this sketch is representative of both, and whose biography is of exceptional interest, as must be that of every man who succeeds.

The great grandfather of our subject settled in Spottsylvania County, Virginia, at an early day, and was one of the Revolutionary heroes of the Republic. James Burnes, the grandfather, ruled by the adventurous and freedom-loving pioneer spirit, moved to Indiana in the opening years of the century, and in 1837 emigrated still farther west to the Platte Purchase, settling where the town of Weston, Missouri, now stands. James Nelson Burnes, the father of Daniel Dee Burnes, was ten years old when this settlement was made. As most people know, few men have left as deep an impress on Northwest Missouri as the late James Nelson Burnes, lawyer, Judge, banker, man of large affairs, and four times elected to represent his district in Congress, where he at once rose to distinction and eminence. A full sketch of his career will be found on the pages following this record of his son. The Skinner family, of which the mother of our subject was a member, is of Kentucky origin, and were of the best people produced by the Blue Grass State.

Daniel Dee Burnes was given superior educational advantages, graduating at St. Louis University, receiving the degree of A. B. in 1870, and the degree of A. M. in 1874. He had, prior to this, determined to follow in the footsteps of his distinguished father, and like him, therefore, entered Harvard Law School to equip himself in a knowledge of law. He received the degree of LL. B. from that college in 1874, and returning to Missouri, was admitted to practice in the Platte Circuit Court in 1875.



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He soon proved his capacity both as lawyer and business man. The interests and enterprises of a business nature left by his father required executive talent in their management, and in this respect Mr. Burnes has proved his high capacity as a financier and business man. He has investments in many and diverse lines of business, and has carried forward the work of development begun by the elder Burnes in a manner that has excited the admiration of the business world of St. Joseph and other cities.

He has proved his understanding and grasp of political affairs as an official representing the people, who honored him by an election, in 1893, to Congress. As the representative of the Fourth District in the Fifty-third Congress, he conceived and carried forward a number of measures of benefit to that section of the State. He is a Democrat in politics, and as he has the confidence and respect of men of every party, it is likely that he could have represented the district as long and as often as he chose to do so.

Mr. Burnes is connected with a great many orders and societies, especially those of a fraternal nature. He is a Noble of the Mystic Shrine, a Knight Templar, a Knight of Pythias, a member of the Improved Order of Red Men, of the Sons of Herman, the Elks, etc.

He was married in St. Louis, Missouri, May 17, 1877, to Miss Martha Swearingen Farrar. They have one living child, Kennett Farrar Burnes, now eighteen years old, and preparing to enter Harvard College.

JAMES NELSON BURNES,

SAINT JOSEPH.

ONE of the distinguished citizens and able public men of whom Missouri is justly proud and whose memory she holds dear, is the late James Nelson Burnes, who died in Washington, D. C., January 24, 1889. He was stricken while still in the harness, the blow, a paralytic stroke which was the beginning of the end, falling just as he uttered the last words of a speech in the House of Representatives on January 23.

James Nelson Burnes was of Scotch-Irish stock, that admixture of blood, which if results prove aught, seems to go the farthest toward the making of the most perfect human character, producing a balance which has given us men strong yet tender, dauntlessly courageous yet gentle, rugged, patriotic and sagacious as well as unselfish, poetic and profoundly religious; men in fact of the most vigorous virility, graced by a touch of that soft femininity, the blending of which creates the highest and strongest manliness. In marked degree was Colonel Burnes an exemplar of these combined traits, an evidence of the finely tempered metal produced by the comingling of these elements.

The names, Burnes, Barness and Burns, may be traced to a like source, as he who bore the latter name and made it immortal, in his youth spelled it "Burnes," but with poetic license changed it as it is known to fame. There is therefore every reason to believe that Colonel Burnes, and Robert Burns, Scotland's sweetest and most impassioned poet, descended from the same ancestral line.

The grandfather of the subject of this sketch came to America prior to the Revolution and settled on a farm near Fredericksburg, Virginia. When hostilities between the Colonies and mother country began, he espoused the cause of the patriots and became what was known as a "minute man," ready to leave his plow and seize his flint-lock musket to repel

the invader, at a minute's warning. On February 14, 1779, three years before the last gun of the Revolution was fired at Yorktown, James Burnes, the father of James Nelson Burnes, was born. In 1805 he married Mary Thompson, the daughter of a worthy Culpepper County, Virginia, family. The young couple sought their fortunes in the then far West, locating in the State of Indiana, and there on August 22, 1827, James Nelson Burnes, the fourth of the five sons born to them, first saw the light. In his tenth year, his father yielding to the pioneer spirit, determined to move farther West, induced to adopt such a course by the ceding by the Fox and Sac tribes to the government of what is yet known as the "Platte Purchase," and its opening to settlement. There, ere the close of year 1837, the family established itself at a point on the Big Muddy where the town of Weston now stands. Inhaling the fresh, pure air of the prairies, surrounded by the manifold beauties of nature and in contact with the honest, hardy and natural men of that day, the son there grew to manhood. As time passed the fertile Platte Purchase increased in population and civilization. Its division into counties left Weston in Platte County. There was work for the pioneers of that time to do, but the parents of James N. fully appreciated the importance of a sound education, and he and his brothers were given all the advantages of the common schools, and in his nineteenth year he graduated from the Platte County High School.

Among the families that settled in Northwest Missouri was that of Phinehas Skinner, a shrewd and aggressive Kentuckian, whose forefathers were among the pioneers of the "Dark and Bloody Ground." This good man had several daughters and one of these, Mary by name, as subsequent events proved, was the affinity of James N. Burnes. The marriage took place in 1847. Mary Skinner was of sweet and lovable disposition and endowed with a high order of intellect. The union proved a most happy one and the felicity of the couple increased as the years went by.

The Burnes family had always considered James gifted with the qualifications which could best find their expression in the profession of the law, and this opinion being along the line of his own ambition, he determined to adopt that calling. He was now in the first flush of a lusty manhood, healthy, active, athletic, with a body strengthened by generous use, gifted with a quick and ready intelligence and of the highest mental ability, he was nobly qualified to succeed in any of life's vocations.

The deepest brotherly love and fraternal sympathy had always existed between the Burnes brothers, a love that took practical form then, existed throughout life and was shown in a marked manner on the death of Daniel in later years. Daniel was the business partner of his brothers, James N. and Calvin. On his death, his family of six small children were left orphans, and simply as a natural duty, not considering that he deserved the least credit therefor, James N. Burnes took his brother's children to his home and thereafter treated them as his own. It was through the assistance of these brothers that he was enabled to enter Harvard Law School, where, in 1852, he graduated.

Returning then to Platte County he entered on the practice of his profession with all the hopefulness and energy of his twenty-five years. But he was too active and ambitious to wholly depend on the slow-coming success characteristic of the professional legal beginning, and it was therefore about this time that the marked commercial genius with which he was endowed, began to be manifest. He began buying and selling hemp on commission and trafficing in real estate. The people had always realized the superior mettle of this young man, but his entrance into professional and commercial life served yet more strongly



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to remind them of his sterling qualities, and therefore in the third year after his graduation he was elected Circuit Attorney of that district and in the same year was chosen Presidential Elector, casting his vote for Buchanan and Breckenridge. Then followed the terrible Civil War. Mr. Burnes' sympathies were with the Union, and although he did not enter actively into the struggle, he was elected Colonel of militia, a title that afterward adherred to him to the end of his life.

The war was the cause of his change in politics. He became a Republican, and in 1868 was elevated to the bench as Judge of the Circuit Court of Platte County. In 1872 he retired from this office, and also from the private practice of law, at which he had been engaged twenty years.

In the campaign of 1870, the Republican party nominated two tickets. One ticket was known as the Radical Republican and the other as the Liberal Republican, and on that B. Gratz Brown ran for Governor. Colonel Burnes identified himself with the Liberal movement and was one of the most impassioned advocates of a policy of pacification and the enfranchisement of those engaged in the then late Rebellion. After this campaign, true to his instincts and principles, he returned to the Democratic party, and was one of its ablest leaders to the end of his life.

On retiring from the bench in 1872, Colonel Burnes removed to St. Joseph, which gave him a wider field for those great commercial enterprises in which he afterward engaged. These enterprises were so numerous and diverse that they are not easily traceable. They brought him both fame and fortune and through him, more than any factor, were his city and section developed. His active efforts comprehended the construction of railroads, the building of great bridges, extensive operations in real estate and the promotion of hundreds of other enterprises of public benefit. He built the railway known as the Weston & Atchison, was the chief promoter of the line from Ottumwa, Iowa, to Leavenworth, Kansas, now a part of the C., R. I. & P. To him St. Joseph is largely indebted for her excellent system of waterworks, and it was largely his efforts and capital that developed both Atchison and Leavenworth, Kansas, he being a member of the original town site companies of both cities. In his scheme of the development of this section he conceived and executed the noble bridges that span the Missouri at these cities. His great commercial genius found expression in Iowa, Kansas, Nebraska and Missouri, but his own town, St. Joseph, owes him the largest debt of gratitude, and there he engaged in a variety of enterprises too numerous to mention.

His career up to 1877 had been one of unbroken success, but in that year an event occurred which threatened to drive him on the rocks of disaster. The banks in which the State funds were deposited suspended payment. Colonel Burnes, as one of the chief bondsmen of the State Treasurer, stood to make good a large part of the deficit of $1,004,000 thus created. Through his splendid business talent the danger was averted, the claim of the State against the banks assigned to the bondsmen and every dollar due the State paid in full.

In 1882 he yielded to a call which was signed by all the prominent business men and citizens of his district, and became a candidate for Congress. He was triumphantly elected and redeemed to the Democracy a district which up to that time had been strongly Republican. He was placed by the Speaker on the Committee on Appropriations, a most unusual compliment to a new member. There the opportunity was given him to display those rare qualifications as a business man and a statesman which made his record in Congress a credit

to himself and his State. As a member of this Committee he formed the acquaintance of Samuel J. Randall, its Chairman, who became his friend, and his appointment to the Chairmanship of one of the most important sub-committees testified the esteem and confidence in which he was held by the great Pennsylvanian.

In 1884 Colonel Burnes was for the second time elected, by an increased majority, to Congress. Again was he assigned to the Committee on Appropriations and also served on the Committee on Education. Again he was elected as his own successor in 1886, to the Fiftieth Congress, and it was during this session that he accomplished the most important act of his legislative career—the defeat of the French Spoilation Claims, making in opposition to that bill one of the ablest speeches of the session. In 1888 he was returned again to the House of Representatives by a majority nearly twice as large as that of 1886, and in that chamber he fell as above related, while in discharge of his duty to his people.

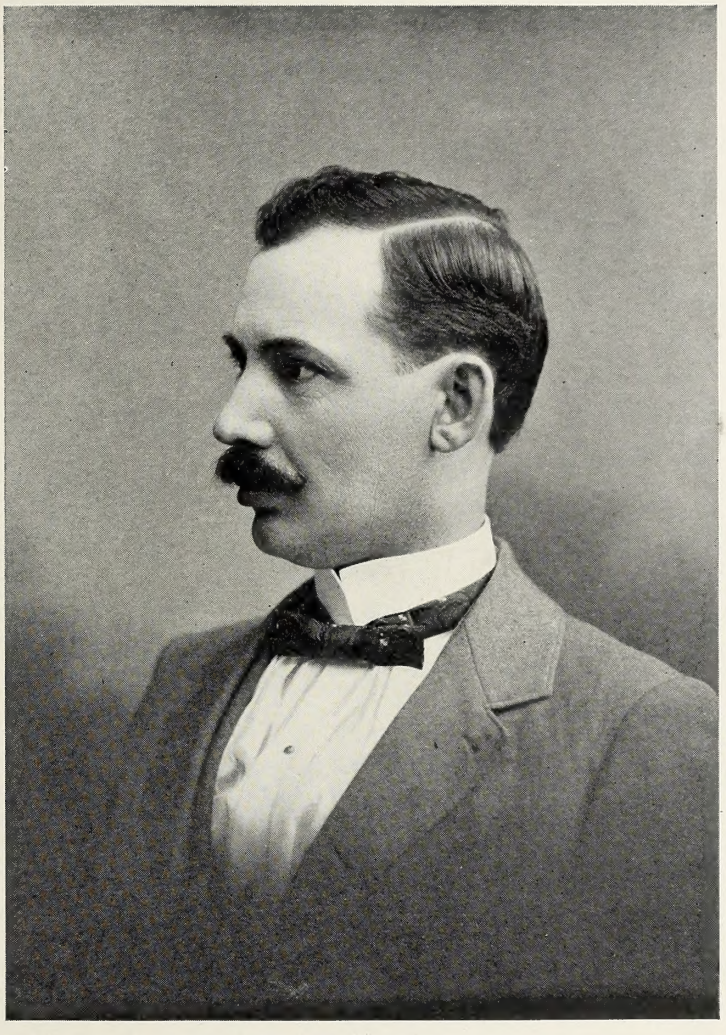
Of his life and career in Congress his contemporaries, some of the most distinguished men of the Nation, have spoken in fervent eulogy and with a truth and eloquence that would make any attempt at recapitulation here seen tame and useless. Suffice to say that he was one of the strongest, ablest and most eloquent men who ever represented Missouri in the Lower House; that his life stands as an example of what industry and untiring effort may accomplish; and that he was one of Nature's noblemen and a benefactor of his people and his State.

JAMES TRAVIS BURNEY,

HARRISONVILLE.

OF the ambitious young attorneys who reflect credit on the bar and on their profession, James Travis Burney, of Harrisonville, is one of the best known in the western section of Missouri. Mr. Burney practices law in the county where he was born, a circumstance that is rare enough in the history of the State's bar. He prefers to remain among his own people, not following the course of most young lawyers, who remove from the old home to begin business among strangers, not desiring to be subject to that seeming reluctance of humanity to recognize the maturity of one whom it has known as a boy, and which illustrates that human perceptions and feelings do not keep pace with time, so swift is its flight.

Our subject is the son of James Adam and America D. (Moore) Burney, both of whom are still living, the father being now one of Cass County's most prosperous farmers. He, too, is a Missourian, his family coming to this State in 1821, the year of its admission to the sisterhood of States. The Burneys are of Scotch-Irish blood, and came with that great tide of emigration which flowed from England, Ireland, Scotland and Wales to America about the middle of the last century. They first settled in North Carolina, where they lived during the War for American Independence. An ancestor of the subject of this sketch was a soldier in the patriot army, and is said to have engaged in the battle of Guilford Court House. The family name was afterward planted in Tennessee, and from that State Mr. Burney's grandfather and his family came to Missouri in the year above stated. On both sides of the house his ancestors were sturdy, God-fearing, resolute, honest people, and the value of good parentage is strongly illustrated in their descendant.



James T. Bunney.

The latter was born forty-one years ago, or to be more exact, April 9, 1857, on his father's farm in Cass County. In 1861, when he was about four years old, his father removed with his family to Miami County, which lies just across the line from Cass County, in Kansas. During the time of his residence there, the elder Burney was elected and served one term as County Assessor, and also served about two years in the Union Army. In 1865 the family returned to Cass County, where they have since resided.

James T. Burney prepared for college in the public school of his native county, and entered the State University at Columbia, Missouri, in 1874. He did not complete his education there, but went to the State University of Kansas, at Lawrence, where he continued his studies until 1877. Afterward he taught in the public schools of his county until 1879. Going then to Harrisonville, he entered the office of Sloan & Railey, to study law, and was admitted to practice by the Circuit Court sitting at Harrisonville in 1880. He at once began practice, and can look back over the seventeen years of his professional career, satisfied that a more than ordinary degree of success has crowned his labors. His first partnership was with Judge Abram Comingo, the firm being known as Comingo & Burney. Judge Comingo, afterward a member of the firm of Philips, Comingo & Slover, Kansas City, was one of the ablest lawyers of Western Missouri in those days. From 1882 to 1889 Mr. Burney was in partnership with his former preceptor, Robert T. Railey. At the present time he is associated with his brother, Abraham L. Burney, under the style of Burney & Burney. The firm has good practice.

Mr. Burney lays great importance on the necessity of a lawyer knowing his case thoroughly before he goes to trial. Hence he studies every case that comes into his hands, diligently and closely, as he would an abstruse problem, and therefore goes into court so entirely familiar with all the bearings and ramifications of his cause, that he is seldom the victim of novel coups and surprises from the opposing counsel. His is a logical turn of mind and he is a formidable debater. His language is fluent, and his appeal to a jury is generally characterized by directness and strength, and a line of argument the most convincing that it is possible to present. He is exceptionally strong as a trial lawyer.

He is a Republican in politics, and while he consented to become a candidate in the year 1892 for Circuit Judge, it was only as an act of party devotion that he ran, as there was little or no hope of his party winning against the large Democratic majority of that district. He has no ambition to be both a lawyer and an office-holder, as he is convinced that to be a successful lawyer is honor enough. He is public spirited and is foremost in all measures of civic progress, and has lent his aid and influence to advancing Harrisonville from the condition of a small, isolated town, with one branch road but a few years since, to the proud place she occupies to-day as one of the railroad centers of the State. He has always taken an active interest in the educational advancement of his county and town, and for many years has occupied the position of President of the Harrisonville Public Schools. He is also President of the Bank of Harrisonville, a prosperous and successful banking institution of his town. He is a Mason, a Knight Templar, a Mystic Shriner, and has been Master of Harrisonville Lodge, No. 147. In his professional capacity he has been connected with the noted Cass County bond matter, which has sorely tried the patience of the people of that county for twenty years. He defended the county in the latter stages of its litigation, which grew out of a refusal to pay these railroad bonds issued by a bribed County Court, whose members, it may be stated in passing, became, on account of their malfeasance, the victims of a mob's vengeance in the celebrated Gunn City tragedy. Mr.

Burney managed the county's side of the case with tact and ability, and by reason of his efforts, in connection with some other citizens, the bonds were compromised at seventy cents on the dollar and refunded at a low rate of interest, a result that has been of incalculable benefit to the county.

February 11, 1881, the year following the one in which he was admitted to the bar, Mr. Burney was married at Pleasant Hill to Miss Mary Bills, daughter of P. W. Bills, one of the old settlers of Cass County, who came to Missouri from Kentucky more than fifty years ago. Two children, both sons, have been born to this marriage: James G., who is fifteen years old, and William L., who is eleven.

CHARLES G. BURTON,

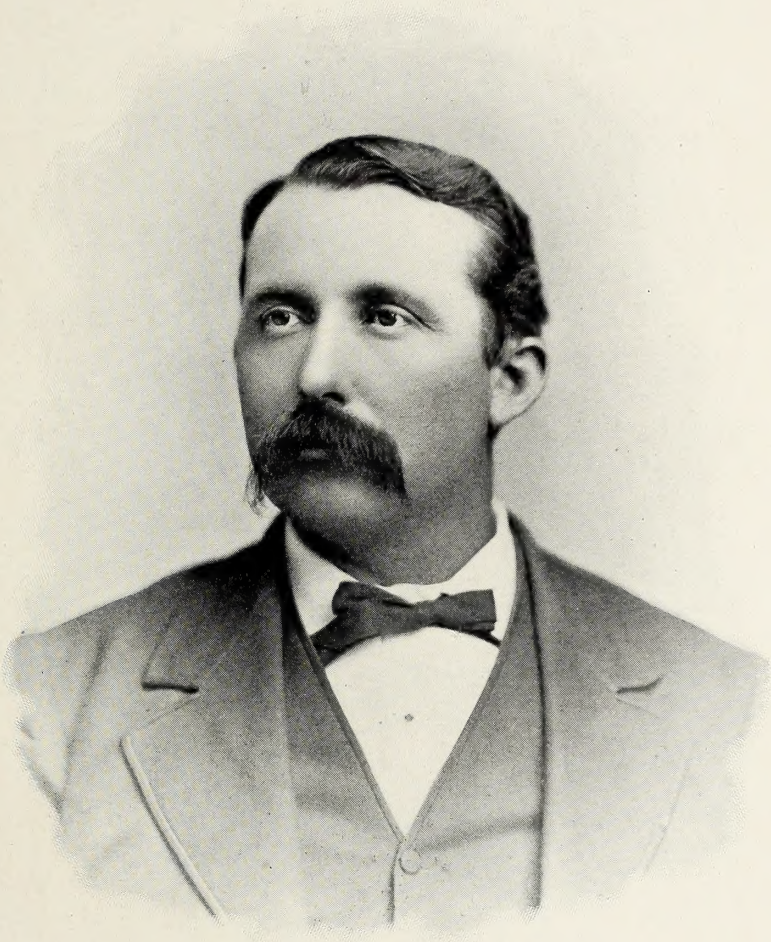
NEVADA.

A LAWYER in whom Southwest Missouri takes pride, and a Republican who is undoubtedly one of the ablest leaders of that party in the State, is Judge Charles G. Burton, who has been a citizen of the commonwealth since 1868. Born April 4, 1846, at Cleveland, Ohio, the years of his minority were passed in his native State. He is the son of Leonard Burton, who died January, 1892, and of Laura Burton, nee Wilson, who died in April, 1860. The boy early developed those ambitious aspirations which through life have increased rather than abated in intensity. Another trait early developed was an abiding self-confidence, from which grew the faith that whatever others could do he could also achieve.

With such high ambitions he went to the front in the dark days of 1861, enlisting September 7, 1861, in Company C, Nineteenth Ohio Volunteer Infantry. October 29, 1862, he was discharged because of illness. In 1864 he was a member of Company A, One Hundred and Seventy-first Ohio National Guards, during a one hundred days' campaign in which that organization participated.

After his return from the army he entered upon the study of law in the office of Hutchens & Forrest, completing his course in the office of Hutchens & Glidden, at Warren, Ohio. He was admitted to the bar at this place in April, 1867. In the same month of the following year he reached Missouri and located at Virgil City, Vernon County. Vernon County and the Southwest was then a vast stretch of almost virgin acres, whose great rolling prairies were in the spring time carpeted with green, the figures of which were set in wild flowers of an hundred brilliant hues. Here and there were the new and unpainted houses of the settlers and the population then was sparse, but the young lawyer of twenty-two could afford to wait, especially as his natural foresight told him that these beautiful prairies, with their fertile soil, would be developed into rich farms, making of it a populous and wealthy section within a few years. And so it resulted. When he reached Virgil City he formed a co-partnership with Elbert E. Kimball, who was destined later to be his party's candidate for Governor. In May, 1869, Judge Burton changed the scene of his operations to Erie, Neosho County, Kansas, where he practiced until May, 1871, then returning to Vernon County, Missouri, and establishing himself in practice at Nevada. There he has since lived.

After his return to Vernon County, he was elected Circuit Attorney of the Twenty-eighth Judicial Circuit, holding that office until the system providing each county with a Prosecuting Attorney went into effect in January, 1873. In 1881 he took his seat on the



Jno. P. Dutton

bench, having been elected Judge of the Twenty-fifth Judicial Circuit. In 1894 he was made the standard bearer of the Republican party in the Fifteenth Congressional District, was duly elected and served in the Fifty-fourth Congress, being considered one of the ablest men in the Missouri delegation. His term expired March 4, 1897. As he is considered a man of the highest capacity and is a favorite with Republicans throughout the State, it may fairly be assumed that he will receive a share of whatever honors his party may have to distribute in future.

Judge Burton is a member of several orders, societies, etc. His name is on the roster of Gen. Joe Bailey Post, G. A. R., and he is known as a Mason of high degree, having been Master of Osage Lodge, No. 303; High Priest of Nevada Royal Arch Chapter, No. 56; Eminent Commander of O'Sullivan Commandery, Knights Templar, and a member of Ararat Shrine of Kansas City.

As a lawyer Judge Burton occupies a commanding position in that part of the State where he is best known. As a Judge he discharged his duties in a manner which illustrated his exhaustive legal knowledge and showed his fine innate sense of equity and justice. He unquestionably stands in the front rank of his profession in the State. Since his location in Vernon County he has been a member, at different times, of the firms of Kimball & Burton, Jackson & Burton and Burton & Wight.

Judge Burton was married January 1, 1874, to Alice A., daughter of Dr. Alexander and Catherine A. Rogers, of Clinton, Missouri.

JOHN POLLOCK BUTLER,

MILAN.

JOHN POLLOCK BUTLER was born in Allegheny County, Pennsylvania, October 13, 1846. When he was nine years old the family removed to Lawrence County, in the same State, settling near Newcastle. His father, George Butler, is still living, at the age of eighty years, near Green City, Sullivan County, Missouri. His mother, whose maiden name was Mary Ann McCullough, was a daughter of John McCullough, a Scotch-Irishman from the County Antrim, Ireland. He emigrated to America at an early day in this century. Benjamin Butler, the great grandfather of the subject of this sketch, was a soldier in the Revolutionary War, serving throughout on the patriot side. He married Miss Sarah Davis, a lady of Welsh parentage. He sold his farm, on the outskirts of Philadelphia, but was paid in Continental money, which, being repudiated, embarrassed him financially, and to mend his fortunes he moved to a point on the Juniata River, in what is now Huntington County, Pennsylvania. Here Abia, the grandfather of John Pollock Butler, was born, the youngest child of a large family. After battling in the War of 1812, while a youth of eighteen, Abia married Jane Bell, the eldest child of this marriage being George Butler, born in Washington County, Pennsylvania, July 20, 1818. He is the father of the subject of this memoir.

John Pollock Butler was educated in the common schools of Lawrence County, Pennsylvania, and while yet a youth taught two terms in these same schools. He also studied at the Iron City Commercial College, in Pittsburg, and was admitted to practice at Milan, Sullivan County, Missouri, in March, 1867, before he was of age, and was admitted to the bar of the Supreme Court of Missouri, at St. Joseph, at the August term, 1870. In 1876

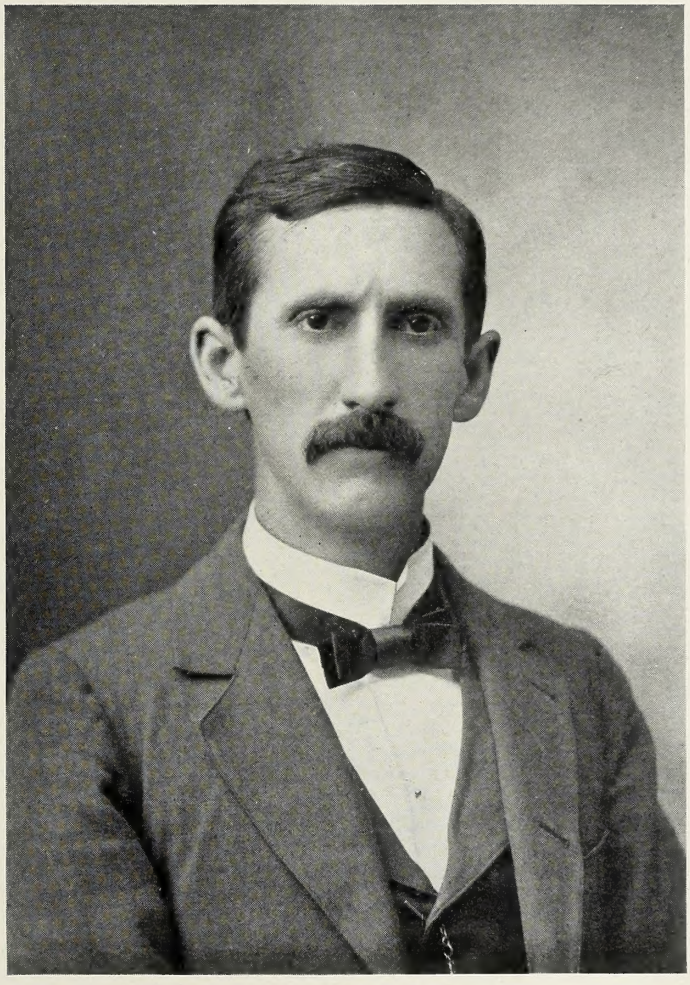
he was enrolled as a member of the bar of the United States Circuit and District Courts, at Jefferson City, Missouri. He was enrolled as a member of the bar of the United States Supreme Court, at the October term, 1880. For twelve years he has been the General Attorney of the Quincy, Omaha & Kansas City Railway Company, and for nearly fifteen years attorney for the First National Bank of Milan, Missouri.

Mr. Butler came to Sullivan County, August 6, 1865, from Lawrence County, Pennsylvania, and located in Milan, where he has resided ever since. He has been engaged in so many prominent law cases, with constant success, that to enumerate a few of them would be his highest eulogy. In the case of Elijah Smith versus Warren McCullough, involving $40,000 of Sullivan County bonds, which had been subscribed by the county to the St. Joseph & Iowa Railroad Company, the decision of the United States Supreme Court, at the October term, 1880, was in favor of McCullough, et al., represented by Mr. Butler. Another was the case of D. H. Crumpacker versus the Chicago, Burlington & Kansas City Railroad Company, and the case of John F. Guffy versus the same defendant. These two cases were heard as one in the State Supreme Court, the Crumpacker case being reversed and the Guffy case affirmed. An appeal was taken in the Guffy case, and the United States Supreme Court sustained the decision of the lower tribunal, which was a decisive victory for Mr. Butler. The chief import of these decisions is that certain railroads in Missouri which had been claiming exemption from taxation under special charters, were made taxpayers and have paid taxes ever since. Here is a notable quotation from Mr. Butler's brief: "The power of taxation is one of those attributes of sovereignty which, under our system of government, is absolutely necessary for the maintenance of the general welfare, and its surrender beyond the legislative power." In a recent noted case in the Supreme Court of Missouri, that court, in the proceeding then pending, declared that it had jurisdiction by reason of its "inherent power," aside from the constitution and the law. His bold, fearless and aggressive nature may well be determined from the character of his reply to this assertion of inherent power, which was that "inherent power lodged elsewhere than in the people, is the instrument by which liberty is denied, and self-government destroyed."

Next to the pride he naturally takes in his legal success, he is famed among his friends in Sullivan County and elsewhere as being the possessor of the largest, most complete and choicest private law library in the State.

During the war he was a volunteer from Pennsylvania, enlisting on July 1, 1864, in Company D, One Hundred and Ninety-second Infantry. Re-enlisting, he became a non-commissioned officer of Company I, of the Sixty-seventh Pennsylvania Infantry Volunteers, being discharged honorably in July, 1865. His political record is not an extensive one, for the reason that he prefers law to politics. Still his fellow-citizens saw fit to make him Elector from the Second Missouri District in the Presidential election of 1888, when Harrison defeated Cleveland. He is a Mason, being a member of Seaman Lodge, No. 126; Milan Royal Arch Chapter, of Milan, and of St. Bernard Commandery, Knights Templar, of Milan. He is also a member of Milan Lodge, No. 83, I. O. O. F.

He was first married on November 4, 1866, his wife being Maggie Morrison, youngest daughter of R. D. Morrison. Three children were the offspring of their union, two daughters and one son, the son dying in infancy. Mrs. Butler died November 6, 1873, and on November 7, 1874, he married again, his second wife being Delia B. Payne, by whom he has no children. Georgia, the eldest daughter of the first marriage, is the wife



M. D. Campbell

of John N. Shepler, they having two sons. Louise, her sister, married D. H. Sholtus, Esq., their children being three sons. Mr. Butler's grandchildren are: Fred Butler Shepler, John George Shepler, John McKinley Sholtus, Edward Turner Sholtus and Robert Leon Sholtus.

MYERS DOWNEY CAMPBELL,

KIRKSVILLE.

ONE of the promising young lawyers in the State is Myers Downey Campbell, of Kirksville, who was born on a farm in Putnam County, Missouri, November 19, 1869. His father, Melton Campbell, was born near Springfield, Ohio, in 1831, and when a young man came to Fairfield, Iowa, where he met and married Rebecca Downey, the mother of our subject, who was born in Kentucky in 1837, and came of excellent Blue Grass stock. Her family was of Irish derivation, came to this country about the close of the Revolutionary War and settled in Virginia. From Virginia her father emigrated to Kentucky. On the paternal side Mr. Campbell is of Scotch ancestry. His grandfather in this branch was born in Virginia, his parents having emigrated from Scotland. All of Myers D. Campbell's American ancestors were pioneer patriots, and those who lived in that time served faithfully in the Revolutionary War. They were sturdy, brave, upright, honest and religious, and were of that splendid race which, coming from Ireland and Scotland to America, has from Kentucky and Virginia given Missouri so many of the strong and noble men of all professions, but especially to her bench and bar.

Soon after their marriage, Mr. Campbell's parents removed from Fairfield, Iowa, to Putnam County, Missouri, where the son was born. The latter was educated in the public schools of Putnam County, and when he had completed his studies there, he entered the Missouri State Normal at Kirksville. When he had completed the course at the Normal, he at once took up the study of law, in the office of Judge Andrew Ellison, than whom a better instructor could not have been found. On completing his studies he was admitted to the bar, at Lancaster, Missouri, by Judge Andrew Ellison, his preceptor, May 14, 1889. He at once opened an office at Kirksville and began practice, and has won a most satisfactory degree of success, considering the short time he has followed his profession. During the earlier years he occupied an office alone, but he recently formed a partnership with W. D. Goode, and that agreement is still operative, under the firm style of Campbell & Goode.

In the year following his admission, Mr. Campbell's first official honor came, in the form of an election to the City Attorneyship of Kirksville. In 1892 he was elected Prosecuting Attorney of Adair County, an event that signally testified to the high esteem in which he is held, as when he was elected the county was Republican by several hundred majority, and Mr. Campbell is of opposite political faith. Mr. Campbell is at the present time attorney for the First International Bank, of Kirksville, of Dr. A. T. Still's Infirmary and American School of Osteopathy, and is interested in and a director of the Campbell Banking Company, at Xenia, Missouri. He is a member of the Odd Fellows' Society and of the Knights of Pythias, and has held about all the offices in the Kirksville lodge of the former order.

Mr. Campbell was married September 12, 1894, to Miss Edith E., daughter of J. N. McClanahan, of Corydon, Iowa. They have one child, a boy named John M., aged two years.

Mr. Campbell is of spare figure, nervous temperament and with a face that is impressive and interesting. The most strenuous effort in his profession is no labor to him. He is never so happy as when trying a case, and the more difficult the problems to be solved, the more ardent the opposition, the more it serves to rouse within him the instinct of combat. He concentrates his mental energy thereon and conducts the case as though his own vital interests were at stake. Judge Ellison, who has opportunity to know him well, holds him in highest esteem, and believes he is one of the rising lawyers of the State bar. He is endowed with the legal faculty of mind in an eminent degree, and although he is one of the youngest lawyers on that circuit, his talents have won the respect of all his professional brethren. He is very popular, and is held in affectionate regard for his many excellent personal traits no less than he is admired for his ability as a lawyer.

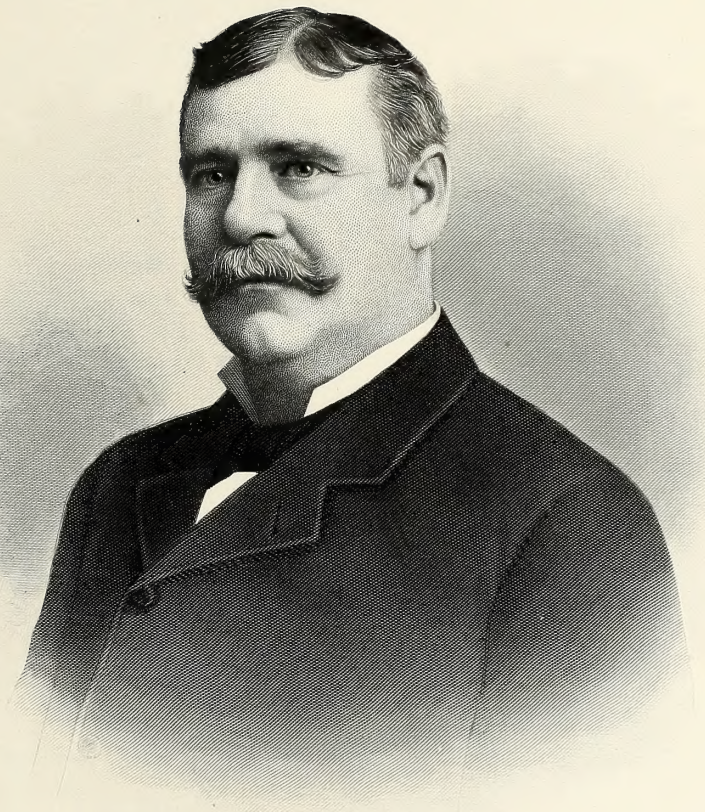
JOHN HAYDOCK CARROLL,

UNIONVILLE.

THERE is one phrase in Americanlzed English that is much over-worked. "A self-made man" is an expression that is all too common and has become by its too general application all but meaningless.

There is every reason, however, to apply it in its fullest sense to Col. John Carroll, of Unionville, Missouri, for years a political leader in his own county, district and State, a lawyer of prominence, aside from his distinctly important connection as the General Attorney of the great Burlington system. To make it distinctly clear that Colonel Carroll owes nothing to any man, it is necessary to say that he was left absolutely alone in the world at the age of five years. He was not only alone, but unknown, because of a strange combination of fateful circumstances that may be described in a few sentences. Michael Carroll, his father, had shouldered a gun and started for the South in the troublous days of 1861. Early in the conflict he fell. Margaret Carroll, his wife, with her son, set out for the front. At Cincinnati the mother was overcome by heat, leaving her helpless child entirely alone and unidentified in a strange city. That was Col. John Carroll's start in life. For years he did not know the whereabouts of his own brother, who, while the two were yet mere babies, had been separated. Later he found this brother. Meanwhile Colonel Carroll worked by day and studied by night, the two combining to strengthen his body and mind for an important career that is now full upon him.

Going back to the beginning, John Haydock Carroll was born in Erie County, New York, June 27, 1857. His parents shortly afterwards moved to Toledo, from which place the tragic incident of John Carroll's early life had its inception. It was in 1864 that the Carroll orphan went into the Children's Home of Cincinnati. He was the first boy inmate of that institution. There he lived until 1866 when, with a car load of youngsters, he was sent out into the State. This particular boy was placed on the farm of John Kester, a Quaker farmer of Martinville, Ohio. For three years he lived with Kester, being transferred at the end of that time to Thomas E. Hadley, another agriculturist. The Hadley farm was in Highland County, Ohio. There he lived until 1877, working hard upon the farm through all of the open weather months and going to the country school through the winter period. Later, now fully determined to become a lawyer, he taught in the neighborhood schools.



J. H. Carroll

Legal Publishing Co. St. Louis.

It was along toward the end of the 'seventies that Colonel Carroll determined to look to the West for his future. All of his youth had been spent in Ohio and he felt that a broader and newer field should be open to him. After pondering the map and the railroad folders, he decided to try Missouri. He had located his brother, but there was no other relative, so far as he knew, in all the world. Friends were not many. So, unaided and with nothing but his resolution and inborn courage to support him in the undertaking, he set out across the States of Indiana and Illinois to become a resident of the State of Missouri. He reached the thrifty town of Linneus in January, 1881. Two months later he concluded to go further north, settling it Putnam County, where, upon the month of his arrival, he was admitted to the bar at Unionville. In this connection it is interesting to note that Colonel Carroll, then plain Mr. Carroll, had been admitted to the bar at Cincinnati in the previous December. Let us see how quickly this sturdy Ohioan jumped into public activities in his new home. In 1882 he became the local attorney of the Chicago, Burlington & Quincy Railroad. The same year he was a delegate to the Democratic State Convention. In 1883 he was elected Prosecuting Attorney of Putnam County. In that capacity, he amply demonstrated his ability to hold an office of public trust. He continued in the position until 1885. Again, in 1887, he was appointed to the same place by Governor Morehouse, continuing to hold the office until 1889.

Colonel Carroll at once attained prominence in State politics. He was chosen a member of the State Committee in 1886, retaining the place for ten years. In 1896 he was again elected, but this time, owing to a pressure of important private duties that had grown upon him, he felt compelled to decline. He was in 1888 a delegate to the National Democratic Convention at St. Louis, which renominated Grover Cleveland. In 1892 he was alternate at large. Colonel Carroll has been a delegate to every Democratic State Convention, save one, since his arrival in Missouri. He received his title of Colonel from Governor Francis, on whose staff he served for a period of four years.

It was in 1890 that Colonel Carroll was appointed General Attorney for the great Burlington railroad system, a position which he has held since that time with great credit to himself and satisfaction to the property whose interests he represents.

Visitors to Unionville, a thrifty town in Putnam County, almost central in its location, on the eastern system of the Burlington route, bring out the information that there is no home among the many beautiful homes in North Missouri that surpasses that of Colonel Carroll for extent, completeness and comforts. Broad acres surround the modern house, made of Milwaukee buff brick, and all of the devices that make end-of-the-century-living an improvement over that of the "good old days" are present. Before Colonel Carroll ventured into the West, he chose a helpmeet, Miss Priscilla Woodrow, a Lynchburg, Ohio, girl, whom he married in December, 1880. Two children, Frances, born in 1886, and John H. Carroll, Jr., born in 1891, have brought new sunshine into the Carroll home.

This tells, in a brief way, the true story of the real self-made man. We frequently hear of the individual who has risen to eminence and grown in the esteem of his fellows and sometimes we speak of him flatteringly as being self-made; but the tenderness of the mother love, the watchful interests of a father through troublous youth are in most cases

present, even where the purse is not. Things were different, as you already know, with Colonel Carroll. He struggled, even in his infancy, against the world. His battles were fought unaided. The credit that now comes to him is his own. He has a right to feel a pride in what he has achieved, whether he does or not. His friends who have come to know, admire and trust in him in the past fifteen years feel that they, too, have a right to feel a pride in all that he has done.

HOMER BASSFORD.

St. Louis, Mo.,
February, 1898.

WILLIAM CHRISMAN,

INDEPENDENCE.

AN eminent example of a noble life, successful, complete and full in duty to others and to self, was that of William Chrisman, who, having passed the years of man's allotment, now rests from his labor, remembered with respect and honor by those who know how thoroughly his life-work was done. To few comes the attainment of such a green old age as his. Surrounded by children and friends, the satisfaction possible of every material want, and with the vista of just and righteous life as a retrospective solace, he passed the last days of his life and went to his reward in January, 1897.

The name Chrisman is of German origin, but it was planted in this country long before the Colonies won the right to be known as States. The immigrant Chrismans cast their fortunes with the Cavaliers, and thus it is that the subject of this biography traces his origin back to one of the older Virginia families. Abraham Chrisman, the paternal grandfather of our subject, was a native of that State, as was also his son Joseph, born in October, 1800. The family emigrated to Kentucky in a few years thereafter, and settled in Fayette County. There Joseph married Eleanor Soper, a daughter of an old Maryland family which settled in Fayette County shortly prior to the arrival of the Chrismans. Joseph moved to Missouri, locating on a farm near Liberty, in Clay County, where he and his wife passed their remaining days. Of this marriage there were four children, John and Joseph (both of whom are dead), Amanda, the wife of Dr. Bem. Witchell, of Clay County, and William, the subject of this sketch.

William Chrisman was born in Fayette County, Kentucky, the twenty-third day of November, 1822. He attended a private school in early boyhood, later Georgetown College, and finished his education at Center College, the leading institution of learning of that State at that time. He graduated in 1846, with the degrees of A. M. and A. B., studied law at Danville in that State, and was admitted to the bar in 1847. He married Miss Lucy A. Lee, daughter of George Lee, of Danville, May 10, 1848. On that day they started for Missouri, and completing their journey, located at Independence, Jackson County. The marriage was a most happy one, and to the wife's good judgment and constant assistance the husband always attributed much of his success in life. She died in February, 1889. The large and comfortable Chrisman mansion in Independence was destroyed by fire in 1887. Owing to this loss and a paralytic stroke received in 1888, and the loss of his wife a year subsequently, to whom he was a devoted husband, Mr. Chrisman retired to his farm near Lee's Summit, and amidst these agreeable surroundings he passed the evening of his life, contented to rest on his honors.



Legal Publishing Co. St. Louis.

Mr. Chrisman was engaged in the active practice of the law from 1849 to 1871, in Jackson and adjoining counties. From time to time he was associated with Abram Comingo, Samuel H. Woodson, Russell Hicks, and in the latter period of his active practice, with Samuel L. Sawyer. Mr. Chrisman always had a large clientage and a lucrative practice. He would not urge upon a court a proposition of law in which he had no confidence or accept a retainer in the prosecution of a vexatious or frivolous case. His appearance in a litigated case was a guarantee to Judge and jurors that he believed there were merits in his client's cause; hence it was that no man stood higher in the estimation of Judge and juror. He possessed a thorough knowledge of the English Common and Statute laws, adopted in this State long prior to his arrival. This knowledge and an accurate judgment enabled him to determine with ease whether a new statute was simply declaratory of, or operated as a modification of common law rules on the same subject. These attainments were supported and aided by a practical, common sense business judgment, too often wanting in the legal profession. He possessed the power of discriminating between material and immaterial matters that usually surround a litigated case, to a wonderful degree, and of keeping the real issue, whether of law or fact, in the foreground of the contest. His arguments to court or jury were usually short, seldom exceeding one hour, and in the majority of cases, not exceeding thirty minutes. Though his arguments were of short duration, they were always to the point, stated so clearly as to render repetition useless, and he left nothing unsaid of value to his client. The young members of the bar of Jackson County had no better friend; for he was always ready to give them the result of his better judgment without compensation.

Though a Democrat in a Democratic State, he did not seek or care for political preferment. He saw much in the pursuit of official position not inviting or tasteful to him. He was, however, ever ready to aid in governmental affairs, State, county and city, and as a member of the Constitutional Convention of 1875, rendered the State valuable services. His judgment and advice had much to do in shaping public enterprises in Jackson County, with many of which he was identified. A man with whom he was associated in several important enterprises made to the writer this observation: "William Chrisman ought to be Secretary of the Treasury of the United States."

Mr. Chrisman gradually drifted into business enterprises. In 1857 he assisted in the organization of the Independence Savings Institution, and continued his connection therewith through its various changes. It is now the Chrisman-Sawyer Banking Company, and he was its President at the time of his death. He was a charter member and director of the First National Bank of Independence, and a stockholder of the National Bank of Commerce, and the Midland National Bank, of Kansas City. He was the leading spirit in organizing the Ladies' College at Independence, and furnished most of the capital to build and put that institution in operation. In short, his name stands associated with many, and indeed, most of the enterprises that have contributed to the public good in Jackson County, Kansas City and Independence. He died leaving a large and valuable unincumbered landed estate.

Mr. Chrisman's parents were both members of the Baptist Church. He was a devoted and consistent member of the First Presbyterian Church at Independence, was an Elder in that denomination for thirty years, and contributed largely in building the new, neat and commodious church edifice at that place. It has been said of him by his pastor that he

could always be found in his seat at church services, no matter how inclement the weather might be.

He left two children, George Lee, now one of the Judges of the County Court of Jackson County, and Maggie, wife of Mr. Logan O. Swope, of Independence, Missouri. One other child, a son, James, preceded him across the dark river. He was attending school at Fulton, Missouri, when the summons came. He was nineteen years old at the time of his death, and in every way a noble and promising boy.

CLARK CRAYCROFT,

JOPLIN.

MAJOR CRAYCROFT was born May 27, 1847, in Montgomery County, Maryland. His American ancestors were all planters from the days of the Revolution. He is the son of John Prather and Minerva Jane (Price) Craycroft. From them the Major inherits the gentility and hospitality of the old time Southerner. The Craycrofts were originally English and Scotch, and came to America before the days of Washington. The Prices were a Scotch family. Six of them were soldiers in the War of 1812.

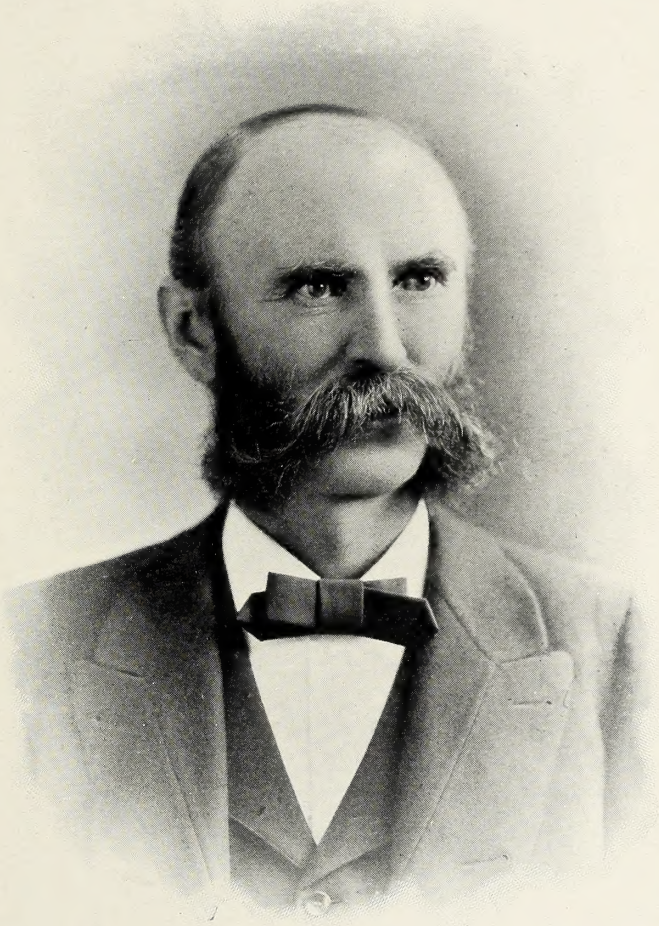
Major Craycroft graduated from the Missouri University and was a member of the class of 1871. He studied law with W. H. Brownlee, of Brookfield, and was admitted to the bar in 1874, removing to St. Louis the same year, where he remained until 1875. He then located in the city of Joplin, where he has ever since resided following his profession as a lawyer.

Major Craycroft is a conspicuous demonstrator of the old aphorism that "blood will tell." His parents (and their parents before them), had all the robust rectitude and indomitable energy of early American times. The Major not only inherits these noble qualities but exhibits them all the more strongly as his years increase. He owes his success and popularity, legal, social and personal, to his inward grace and outward vigor.

For enterprise and public spirit the people of Joplin are deeply in debt to Major Craycroft. With J. B. Sergeant he divides the honor of having built the first street railway in the town. The Major was also a main instrument in obtaining for Joplin its first electric light plant. He is a believer in the State Militia and has done much to foster and support an effective organization of State troops. He was Captain of Company A, University Cadets, in 1871, was afterwards Captain of the Joplin Rifles, which he aided in organizing, and was Captain of Company B, Fifth Regiment, N. G. M. He subsequently became Major of this regiment.

Major Craycroft is a Mason and has been one for twenty-four years. He has held the positions of Master of Fellowship Lodge, No. 345, of Joplin; High Priest of Joplin Royal Arch Chapter; Commander of Jasper Commandery, No. 19, and Commander of Ascension Commandery, No. 39. In politics he is a silver Democrat of the stalwart school, being quite active in county and Congressional politics.

May 1, 1882, he married Alma Sergeant, daughter of John B. Sergeant, one of Joplin's most respected citizens. Mrs. Craycroft, who was educated at Monticello, is a refined lady of exquisite literary tastes. Her essay on "Legal and Equitable Rights of Woman," read at the National Chautauquan Assembly, at Carthage, in July, 1897, was universally admitted to be a masterpiece. Both Major and Mrs. Craycroft are great lovers of books and flowers



Clark Crayens

and in this direction they have fully gratified their taste. Their home, though not pretentious, is provided with a library of choice books, surrounded with clambering vines and embowered in roses, where life's current runs smoothly to the great hereafter to which we are all tending.

JOHN COSGROVE,

BOONVILLE.

JOHN COSGROVE is sprung from Irish stock, with a slight mixture of French blood, which arose through a residence of his mother's family in France for about two generations, following the year 1690. His parents were married in Jefferson County, New York, and lived and died there; his father having died in November, 1879, and his mother in May, 1892. Nine children were born to their union, five sons and four daughters. John was the fourth child and second son. He was born on a farm in Jefferson County, New York, September 12, 1839.

In his early boyhood he attended the public schools of his native county, and later received instruction at the Redwood High School, in Jefferson County. In 1859 he and four of his young friends became possessed with the idea that they could acquire wealth in Colorado, and fell victims to what was then called "Pike's Peak Fever." In February, 1859, young Cosgrove and his four boy friends came to St. Louis and traveled up the Missouri River by steamer to Leavenworth, Kansas. There they purchased an "outfit," which consisted of a hand-cart, a tent, cooking utensils, etc., and started for the mountains. Three of the party grew disheartened when about three days out from Leavenworth and refused to go on, but Cosgrove and one of his companions—James H. Helmer—took what they could carry and continued their journey to Pike's Peak. Upon their arrival there they were disappointed, and after a few weeks' stay in the mountains about Denver, they felt convinced that fortunes could not be acquired rapidly and started back East. The possibilities of the West, and especially of the magnificent basin of the Missouri River, made a deep impression upon Mr. Cosgrove's mind. Upon his return to Jefferson County, New York, he re-entered school in the fall, and taught during the winter months of 1859, 1860 and 1861, and in May, of 1861, as a law student, entered the law office of Messrs. Hubbard & Lansing, at Watertown, New York, where he remained until November 2, 1865.

Although he had made a fairly good beginning at his old home, the reports that came from the West of boundless possibilities again stirred his ambition, and in 1865 he reached the conclusion, towards which he had been tending for years, to test again, but in another vocation, the opportunities of the West. Accordingly, in November of 1865, he came to St. Louis, but having been reared in the country, he found the metropolis distasteful and pushed westward to Boonville, where he established himself as a lawyer and has since practiced continuously.

Like most lawyers who have succeeded, he passed through that professional school of experience—the office of Prosecuting Attorney. To this position he was elected in 1872. He has also served as City Attorney for Boonville a number of terms. In 1882 he was made the nominee of the Democracy for Congress in the old Sixth District and was elected, and became one of the industrious and influential members of the Missouri delegation. He was always vigilant and active in behalf of his constituents, and impressed his colleagues of the

House as a man of ability and wholesome qualities. Mr. Cosgrove is not a politician, but strives rather to be known because of his accomplishments in the law. His election to Congress is the only office he has ever accepted outside of the exact line of his profession.

His attachment to the law, however, has not stifled his spirit of patriotism and enthusiastic interest in public affairs, and to a marked degree have those circumstances and events which closely affect his own town appealed to his attention and sympathy. He has left the impress of his enterprise deeply on the development of Boonville, and has contributed a great share to her present material wealth and prosperity. At the present time he is one of the Directors of the Commercial Bank (Boonville), its attorney, and also attorney for the Farmers' Bank, of Boonville; he is a director and the attorney and Treasurer of the Interstate Mining Company; also a director, the attorney and Treasurer of the Boonville Water Company; was one of the organizers and for several years attorney for the Boonville Electric Light & Power Company. In fact, every measure calculated to advance the interest of his town has always found in him a helpful and ready supporter. Mr. Cosgrove belongs to but one secret society — the Odd Fellows. Politically his principles are thoroughly Democratic; he has always been a Democrat, and hopes and believes that he will die in the faith.

Mr. Cosgrove married Miss Georgia Augusta Bliss, a daughter of Lyman G. Bliss, of Brattleboro, Vermont, and the scion of an old Colonial family. The marriage was celebrated in Brattleboro, November 18, 1873. Mr. and Mrs. Cosgrove have three children living, named respectively James Warder, Gertrude and Daniel Watson.

Speaking of Mr. Cosgrove as a lawyer, it may be said that his practice has, like that of most lawyers in rural localities, been a general one. In addition to his strength and ability as a general practitioner, he exhibits an influence with juries, and his power is great in appealing to sympathy, passion and prejudice. Being a man of singularly magnetic temperament, high-strung and positive, herein may be found the causes of his potency as a jury lawyer. This quality he has exemplified many times in the defense of criminal cases, and in civil proceedings where the defense of the weak against the strong has furnished him occasion to play upon the emotions of the tryers of the fact. His fervid eloquence has been heard in most of the courthouses in Central Missouri, which region has been his theater of action. In professional and other business, as in all of the affairs of life, he is a man of the most exact rectitude, scrupulous of the rights of others and firmly contending for his own. No lawyer in Missouri has in a greater degree the confidence of his fellow lawyers in all matters of professional ethics than John Cosgrove, and he has been notably the patron of his younger friends of the bar, and has endeared himself to many of them by acts of unvarying kindness and generosity.

LEONIDAS P. CUNNINGHAM,

JOPLIN.

AMONG that energetic, pushing, resourceful class of Americans who have developed and brought to its present high stage of civilization that nature-blessed section of the earth, Southwest Missouri, Leonidas P. Cunningham, usually known as "Lon" Cunningham, of Joplin, must be rated as one of the most active and public spirited. While in every measure contemplating the welfare of his community he has been conspicuous, it is

as a lawyer that he is best known. That is his profession, and he has never permitted other and outer circumstances to deflect him from or vitally interfere with his practice. In this field he is noted for the perspicuity of his legal perceptions, and his habit of going to the bottom facts of all cases in which he is interested. He has always been a student of the law, and to the fact that he early realized that this science was of such breadth and depth it could never be exhausted, and that the study of a lifetime could but partly master its great lesson, may be attributed the fact of his thorough knowledge thereof.

Mr. Cunningham is a native of Virginia (now West Virginia), and was born at Wheeling, January 15, 1845. His father was John P. Cunningham, and his mother's maiden name Elizabeth McCune. His family emigrated westward while he was yet a boy and thus his education was chiefly secured in Middleport, Illinois, in which town he spent his youth. There also he began the study of law, after family councils had determined that he was best fitted to that profession, a conclusion that well suited his own ambitions. While he was still pursuing his studies in that branch, he removed from Middleport to Rockport, Missouri, and there his studies were pursued to a conclusion. He was admitted to the bar at Platte City, Missouri, the date of this event being December 8, 1864.

He returned to his home at Rockport and at once opened an office for practice. But after two years spent there, he became satisfied he could do better elsewhere. The great influx of population was just beginning in Southwest Missouri. The young lawyer had heard of the natural resources of the country and was struck by its possibilities of development. He accordingly located in Carthage on the 7th day of August, 1866, later removed to the neighboring town of Joplin and has resided there to this present day. Offices have been maintained by him, both in Kansas City and St. Louis, at different times, but this arrangement was only temporary and entered into solely for business reasons.

Some idea of Mr. Cunningham's civic enterprise and standing as a business man may be conveyed in the statement that he was one of the most active promoters of the Memphis, Carthage & Northwestern Railroad, which was a great factor in advancing the material interests of Jasper County. Mr. Cunningham was President of the company during the four years in which the road was built. The line was afterward sold to the St. Louis & San Francisco Railway and is now a part of its California line.

Mr. Cunningham's wife was Lucy Hood, of Carthage, a daughter of Norris C. Hood, an old and honored citizen of Jasper County. The marriage was consummated at Carthage, June 23, 1867. Mr. and Mrs. Cunningham are the parents of three charming daughters: Irene is the wife of Horace B. Martin, of Carthage; May is the wife of Thomas J. Franks, an official of the Frisco road, now resident of Wichita, Kansas; while Miss Helen Bird yet lives at home, and is a teacher in the Carthage schools.

JAMES McKAY DAVIS,

CHILLICOTHE.

JUDGE JAMES McKAY DAVIS was born in Clarke County, Illinois, on September 25, 1838, and is now one of the leading lawyers of Livingston County, Missouri, located at Chillicothe. Alexander Davis, his father, was wedded to Priscilla McKay, his mother, in the early days of the century when all who settled in the West were pioneers. The father was a native of Kentucky, removing from that State to Illinois and from there to Missouri.

The original Davises were of Welsh extraction, and landed on these shores previous to Revolutionary times, settling in Virginia, and finally, in 1795, four years before the death of General Washington, moving to Kentucky. These Davises were that ancestral branch of the family along which James McKay Davis traces his descent. The McKays were Scotch, and came to America before the settlement of Frederickstown, Maryland, locating later at Maysville, Kentucky.

The common schools of Missouri laid the foundation for the liberal education which Judge Davis enjoys to-day, he being to a large extent self-educated. He studied law in the office of Luther T. Collier, now one of the leading lawyers of Kansas City. He was admitted to the bar at Carrollton, Missouri, in March, 1860, by Judge G. W. Dunn. In the year of his admission he returned to Chillicothe and began the practice of law, and has remained a resident and leading lawyer of the town ever since.

Judge Davis has played a leading part in both the civic and legal affairs of his section. In the term extending from 1872 into 1873 he was a member of the County Court of Livingston, gaining a reputation for judicial acumen which has been to his profit ever since. From 1874 to 1878 he was City Attorney of Utica, and at the expiration of his services in this office he became (from 1878 to 1880) Prosecuting Attorney of Livingstone County. His election to the Judgeship of the Seventeenth Judicial Circuit, in 1880, was a signal tribute to his ability in the field of jurisprudence, and his re-election to the same position in 1886, after a term of six years, was a decided expression of popular appreciation of duty well and ably done. In 1891, to more closely attend to his increasing private practice, he resigned from the office of Circuit Judge, and has since devoted himself with more exclusiveness and fidelity to his regular professional duties.

In the organization of the First National Bank of Chillicothe, Judge Davis had an active part. This was in 1887, he being made its first President and still holding that office. Other banks organized in the county during the past twenty-five years have had the intelligent aid of Judge Davis in their foundational period.

Politically he would term himself a "consistent Republican," holding the rather unique view that all true Republicans are necessarily advocates of free silver. However much his neighbors may or may not differ with him on this point of public policy, he has logic to back up his convictions which is both eloquent and entertaining.

The marriage of Judge Davis occurred on October 18, 1863, at Watello, Iowa, his wife being Miss Servilla McKay, of the same town, daughter of James McKay, a leading citizen of that section. Three living children crown this union. They are: Archibald Burdell, a lawyer, in partnership with his father, and William Mullanphy, also a lawyer and partner, the firm's name being J. M. Davis & Sons. The other child is a daughter, Annie by name, who is both handsome and accomplished. The sons both enjoyed the advantage of a thorough education at Avalon College.

SAMUEL DAVIS,

MARSHALL.

PERHAPS no lawyer enjoys the confidence of that highly civilized section of the commonwealth of which Saline County is the center, to a greater extent than the one whose name appears above. He was born in Saline County, and has there spent his entire life, and if those who have been in daily contact with him for a half century do not know



Daniel Davis

him, who should? And that a man stands well with his neighbors who have known him so long, and that he has grown constantly in their respect and good will, as has Mr. Davis, is a testimonial than which absolutely no other is more truthful or valuable. Mr. Davis comes of the mixed Kentuckian–Virginian stock, which has given Central Missouri a people whose hospitality, moral strength, intellectual virility and manifold virtues make of them peculiarly, the highest type of the independent American and the farthest advanced in physical, mental and moral development. His father, Jesse Davis, was a native of the Old Dominion; his mother, who prior to her marriage was Lavina Jarboe, was born in Kentucky. They were married at Marshall, in Saline County, and there their son, the subject of this sketch, was born, April 17, 1847. His youth was spent on his father's farm, where habits of industry and thrift were inculcated and where he learned the earliest lessons of the duties he owed himself and others. He attended the common schools during the fall and winter sessions, and completed his education at Boonville, where he attended the Kemper School.

He took up the study of law shortly after finishing his studies at the Boonville institution. Judge John P. Strother of Marshall offered him the use of his library and office, and the young aspirant accepted the proffer. He finished his reading in the summer of 1869, and in August was duly licensed as an attorney by the Circuit Court at Marshall. Unlike many young beginners in the practice of law and medicine, he did not seek a foreign location on the theory that "a prophet is not without honor save in his own country," but resolved to establish himself in the midst of the people among whom he was born and reared. That his decision was a wise one the success he has attained proves. There has scarcely been a case of importance tried at Marshall within the past twenty years in which he has not appeared as counsel or advocate. The people of Saline County early recognized his ability and have confidence in his legal learning and accomplishments as a lawyer, and as a consequence he is to-day one of the busiest and most successful lawyers of the thriving and progressive Central Missouri city.

The people of his native county have honored him publicly as well as privately. In 1872 he was elected Prosecuting Attorney of Saline County, and served as such two terms, retiring from office in December, 1876. On the expiration of his term as public prosecutor, in 1876, he was elected to represent his county in the Twenty-ninth General Assembly, and again elected to the Thirtieth General Assembly in 1878, his term ending in 1880. He was Chairman of the Ways and Means Committee, and as a legislator he was always active in the people's behalf, and was one of the brilliant and forceful speakers of that body. Notwithstanding that he displayed statesmanlike qualities of a high order, it was through the law that he believed his talents could find their most forcible and effective expression, and therefore at the end of the period for which he was elected he retired to private practice, and has since followed his professsion energetically and uninterruptedly. He is a Democrat in politics and is an enthusiastic supporter of that party's principles and policies.

Mr. Davis is a man of very careful and methodical habits and conservative disposition. He is very earnest in manner, but there is that saving grace of humor in his composition, which has not been the least element of strength in the Celtic and Anglo-Saxon blood. The keen appreciation of the ridiculous or humorous has given the character of the people of such derivation a balance and stay which has checked the disposition to merge from the

sensible into the extravagant. Mr. Davis is a man of fine appearance and a gravity of demeanor, which with his other qualities, would well fit him for a judicial position.

Mr. Davis was married November 19, 1872, to Miss Julia S. Newton, who is a native of Kentucky, but resided in Marshall at the time of the marriage.

OLIVER HAYES DEAN,

KANSAS CITY.

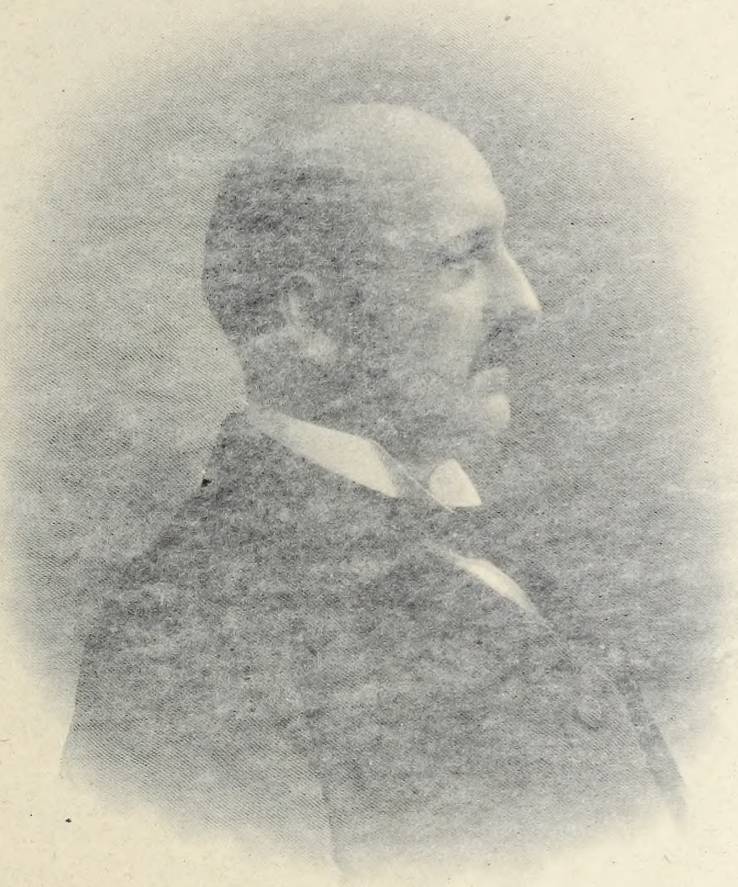
A LAWYER held in the highest esteem in Missouri, and who by sterling merit has demonstrated his title to the place he occupies, is Oliver Hayes Dean. His acknowledged ability, supplemented by untiring industry, has justly secured for him a lucrative practice. A trained lawyer, he is yet a man of large business experience. He has had a wide and diversified practice, and for the past few years has given special attention to corporation litigation; in that important branch of the law he is an acknowledged authority. His reputation as a scholar and a lawyer are such that two law schools, one of them of the highest grade in the country, have tendered him professorships. Tempting as these offers were they were declined, Mr. Dean preferring to continue in the active practice of his profession.

Although declining a professorship that would take him away from his adopted city and necessitate the surrender of a business that had taken years to build up, his interest, nevertheless, in the legal training of young men intending to make the profession of law their life work was such that he became one of the founders of the Kansas City School of Law, and takes sufficient time each winter for the preparation and delivery to its students of a course of lectures on corporation and constitutional law.

Oliver Hayes Dean was born December 7, 1845, at Washingtonville, Montour County, Pennsylvania. On his father's side he is of English and Scotch extraction, and from his mother he inherits Dutch blood. His father, Hon. Joseph Dean, was noted for his great energy and unquestioned integrity, making him a natural leader in Montour County, Pennsylvania, where he lived. He was a soldier of the War of 1812, being an officer under General Scott. The mother's ancestors were among the earliest emigrants from Holland.

Mr. Dean received his preparatory course in the Tuscarora Academy, Central Pennsylvania, where, while a student, he acted as a tutor in Latin, for a year before going to college. From that modest academy he graduated and went to the Michigan University, entering the sophomore class. At the academy he developed those industrious and painstaking habits that marked him as a student in the university and which have been practiced by him ever since as a lawyer. He graduated from the literary department of the Michigan University in the class of 1868, at once entering the law department, from which he graduated in 1870.

Immediately after receiving his diploma from the law school Mr. Dean left his native home and located in Kansas City, where he has resided ever since. Within a few months after his arrival in Kansas City he formed a partnership with the late Judge William Holmes, then a lawyer of high standing and in full practice. This partnership continued until 1881, when he associated himself with one of the oldest law firms in Kansas City, composed of Charles O. Tichenor and Major William Warner, the new firm being Tichenor, Warner & Dean. In 1883 Mr. Tichenor withdrew from the general practice, and the firm became



O. H. Dean

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O. H. Dean

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Warner & Dean and so remained until 1886, when James Hagerman, then General Attorney of the Santa Fe System, became a member of the firm. In 1888 W. D. McLeod, who had been associated with the firm since 1886, was also admitted as a partner. Upon Mr. Hagerman, in 1893, being appointed General Solicitor for the M., K. & T. Railway, he severed his relations with the old firm and removed to St. Louis. About that time Judge James Gibson, then on the Circuit Bench in Jackson County, resigned, taking Mr. Hagerman's place in the firm, which became as it now is — Warner, Dean, Gibson & McLeod. Later Mr. Hale Holden was admitted as a partner in the firm, although his name does not appear. The law firm of which Mr. Dean is a member ranks as one of the first in the State. Its general practice is large, and in corporation litigation few firms have a more extensive business.

Mr. Dean has been President of the Southwestern Alumni Association of the University of Michigan. He is a firm believer in maintaining the *esprit du corps* among college men, and it is no exaggeration to say that he has done as much to that end as any other man in the West. He has also occupied the position of President of the Kansas City Bar Association.

Mr. Dean's opinions on legal questions are received with due consideration by his fellow members of the bar, and by the courts before which he practices. In the preparation and trial of cases he knows no interest but that of his client's. In argument before a court or jury he is earnest, logical and forcible. In briefing and presenting cases to the higher courts, his marked ability is recognized. Of him it may be truthfully said that he is a trained, industrious and conscientious lawyer.

DAVID A. DeARMOND,

BUTLER.

ONE of the ablest men from the West now in Congress is the Hon. David A. DeArmond, Representative from the Sixth Missouri District. Mr. DeArmond was born in Blair County, Pennsylvania, March 18, 1844. He was reared on the farm, and there laid the foundation of industry and self-reliance which so many men have found of value in fuller tests of life. He attended the common school, and finished his education at Dickinson Seminary, at Williamsport, Pennsylvania. He was ambitious to adopt the bar as a profession and taught school to that end until 1867. About that time the great tide of emigration moving westward caught him and landed him at Davenport, Iowa. There he was admitted to the bar in 1867. In 1869 he came to Missouri, locating at Greenfield, Dade County. He evidently made a good impresssion on the people of that section, for in 1878 that district elected him to the State Senate, his record therein and his vigilance and activity in that body during his four years' term served to place him before the people of the State as nothing else could. Shortly after the end of his term, or in 1883, he moved to Rich Hill, Bates County, Missouri, where, just prior to that date, a small city had sprung up almost in a night, owing to the rich coal deposits that had been discovered. After a year spent in this booming place, he changed his location to Butler, the county seat of Bates County, and there he has since lived.

The sphere of his personal prestige and political influence has constantly increased and widened from almost the first year of his residence in the State. An intense Democrat,

of strong convictions, he could not resist the impulse to do what he could for the political cause in which he believed. Thus it was, that on account of his efforts in behalf of the party and his standing as a Democrat, he was, in 1884, placed on the ticket as one of the Presidential Electors. A most flattering recognition was extended to him the following year (1885), when he was made a member of the special Commission created to assist the Supreme Court in its docket, which had fallen behind. In 1886 he took his seat on the bench of the Twenty-second Judicial Circuit, and until 1890, on a circuit that had formerly been presided over by Judge Foster P. Wright and Judge James B. Gantt, he administered its affairs in a manner that fully reached the high judicial plane on which it had been placed by these able predecessors. Judge DeArmond was first elected to Congress in 1890, re-elected in 1892, again in 1894, and for the fourth time in 1896.

CHARLES LEE DOBSON,

KANSAS CITY.

AMONG the lawyers of the State who have risen to a position of high judicial dignity, early in life, is Charles Lee Dobson, formerly Judge of the Circuit Court at Kansas City, or, more properly speaking, the Sixteenth Judicial Circuit of Missouri.

Judge Dobson was born in Harrison County, West Virginia, February 8, 1848. His father was of Scotch-English ancestry and descended from a family that settled in Virginia at an early day. The family of his mother came from England among the earliest settlers, also locating in the Old Dominion, in Fairfax County. His maternal great grandmother was a daughter of Col. Charles Lewis, brother of Gen. Andrew Lewis of the Revolution. In 1854 his parents removed to Missouri and settled in Linn County, where the subject of this biography grew to manhood. After passing through the common schools he entered the State University at Columbia. Prior to his matriculation there he had commenced the study of law, and on leaving the University in 1869, continued the work of preparing himself for the bar. While still reading law in 1869, he was appointed Clerk of the Linn County Court of Common Pleas, and this being a court of general jurisdiction, concurrent with the Circuit Court, this position was of great practical value to him and greatly facilitated his legal education.

He was admitted to the bar, February 10, 1870, two days after his twenty-second birthday. It was but a short time until he had an excellent practice for one so young. But another interruption of the course he had laid out for himself occurred, when in 1874, at the age of twenty-six, such confidence did the bar and public repose in his probity and legal attainments that the Legislature was moved, by special act, to remove his disability of age and permit him to take a seat on the Common Pleas Bench of Linn County. The law creating that court required the Judge to possess all the qualifications of a Circuit Judge, but in response to a unanimous request of the bar, the Legislature passed an act authorizing Mr. Dobson to hold the office. It is not known that any other man so young ever held so important a judicial position. He was appointed to fill a vacancy, and so well did he fill it that at the end of the term he had no opposition for the nomination in his own party—the Democratic. However, he declined to become a candidate, or further to fill the office, and resumed the practice of his profession at Linneus, the county seat, January 1, 1875. He practiced his profession in Linn and surrounding counties until the



Chas. L. Dobson.

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spring of 1879, when attracted by the great development Kansas City was manifesting and the chances it offered to young men with capacity and energy, he removed to that city, where he has since resided.

In 1883 his success was such that his former schoolmate, Shannon C. Douglass, of Columbia, removed to Kansas City and entered into partnership with him under the firm name of Dobson & Douglass. In 1886 their business had so grown that J. McD. Trimble, of Mexico, removed to Kansas City and entered the firm, under the firm name of Dobson, Douglass & Trimble. This firm continued until 1890, when by mutual consent, it was dissolved, and Judge Dobson associated with himself Henry L. McCune and Herbert L. Doggett, the latter one of his former law students, under the firm name of Dobson, McCune & Doggett. This firm continued till January 1, 1894, when Governor Stone appointed Judge Dobson to the bench of the Circuit Court to succeed Judge James Gibson, resigned. The appointment was ratified at the next general election when Judge Dobson was unanimously elected by the Democratic party as his own successor. He received the largest number of votes cast for any candidate on the same ticket, though in neither case was he, in any sense, a candidate, or applicant, for the position to which he was chosen. He filled the delicate and important position of Circuit Judge with entire satisfaction to the bar, which recognizes his fine legal attainments, and to the public, which is convinced of his probity and honor. During his incumbency of the office many knotty and difficult questions came before him for adjudication, all of which he decided according to law and in a manner that showed his inclusive grasp of the law, the facts, and the evidence.

An acquaintance with the Judge naturally begets confidence. He is a man to whom as a practitioner, the execution and administration of wills, the settlement of estates and other affairs of public and private trust, naturally come; and before his elevation to the bench he disposed of many such cases, though the law firms, of which he was the head, always had their full share of the general law practice in Kansas City.

In 1894 Judge Dobson was given a place in the faculty of the University of Kansas as lecturer on the law of private corporations, which position he still holds.

Early in the year 1896 he declined to be considered further as a possible candidate for the judicial position he then held and announced his intention to again resume the practice of law January 1, 1897; and at the latter date he again entered into business association with his former partner, Henry L. McCune, under the firm name of Dobson & McCune, and the firm is now engaged in the general practice of law at Kansas City. Mr. McCune's portrait and biography appear elsewhere in this volume.

THOMAS DOLAN,

JOPLIN.

AMONG the brilliant and promising younger attorneys of Southwest Missouri, that region to which nature has been so partial and kindly, and which is destined some day to support a population twenty times as great as the present number, is Thomas Dolan, of Joplin, who although a native of the State metropolis, has spent all but the first dozen years of his life in the thriving city in the center of the greatest lead district of the world.

He was born February 8, 1861, and therefore still has the best part of his life before him. His parents, Michael Dolan and Mary (Fitzgerald) Dolan, when he was about five years old, left St. Louis, his native place, to settle at Des Moines, Iowa. There the mother died in the fall of 1868, and shortly thereafter the father, with his son, removed to Keokuk, Iowa, whence after about a year's residence, he removed to Monmouth, Illinois. The removal to Monmouth was made in the fall of 1871, and there Thomas was sent to school. In 1873 the little family again moved — this time to Joplin, Missouri, which was to prove the permanent home of the young lawyer.

The latter, beginning his schooling at Monmouth, continued it in the common schools of Joplin, where he also studied law and was admitted to practice at Carthage, the judicial seat of Jasper County, in March, 1881. He at once opened an office in Joplin and has continued in practice there since, excepting the period between 1889 and 1892, when he practiced at Kansas City, retaining however his residence at Joplin, returning there to vote and always regarding it as his home. In 1881 he was elected City Attorney of Joplin, and in 1882 re-elected, serving as such until 1883. He was again elected in 1886 and again re-elected in 1887 and served for a fourth term in the same office. He is a Republican in politics, and his strong convictions and enthusiasm give him weight with his party in that section. In 1896 Mr. Dolan was the candidate of his party for Judge of the Twenty-fifth Judicial District, but owing to the fact that the district was overwhelmingly for the free silver fusion forces he was not elected. However, he did valiant work in the canvass, a labor that has increased his prestige with his party. He is a member of the Masonic fraternity and since 1886 has been a member of Joplin Lodge, No. 335.

Mr. Dolan has been married twice. In February, 1883, he was wedded to Elizabeth M. Crawford, who died in November, 1885, leaving him one child, a son named John. In August, 1896, he was married to Miss Susie R. George.

WILLIAM M. EADS,

CARROLLTON.

CAPT. WILLIAM M. EADS, of Carrollton, was born in Harrison County, Kentucky, May 10, 1832. Martin L. Eads, his father, and Elizabeth (Collins) Eads, his mother, were both natives of Virginia, were there wedded and then sought a home in Kentucky. The father was for fifty-four years a traveling minister of the Methodist Episcopal Church, South, and from him the son inherited his talent as a public speaker.

While yet a boy, Captain Eads moved with his family to Missouri. Finishing his education at Central College, at Fayette, Missouri, he then returned to Carrollton, where when he had signified his intention of teaching school, he was elected principal of the Carrollton Academy. He acted in this capacity about three years, from 1854 to 1857, and resigned to accept the office of County Commissioner of Schools. His experience as a teacher proved valuable to him in the discharge of his duties as Commissioner, but all his work as an educator was made to converge to one purpose — the law. Therefore, he pursued his legal studies while acting as School Commissioner and was admitted to the bar at Carrollton in 1858. About that time the contentions over the slavery question and of secession began to approach fever heat. Under the stress of these critical times the strongest and best rose to the surface, and the young lawyer was one of these. He was urged to become a candidate

for the Legislature, assented, and was elected to represent Carroll County, in 1859. He took a leading part in the stormy debates of that session and became one of the chief opponents of the schemes to take the State out of the Union, which were then coming to a head. On the breaking out of the war he organized Company E, Sixty-fifth Missouri State Guard, and was elected its Captain.

His first partnership in the practice of his profession was entered into with Col. John B. Hale, an account of whom will be found elsewhere in this volume. This business association, began in 1861, lasted almost twenty years, or until 1880. From 1880 to 1885 Captain Eads conducted his office with J. F. Graham. Mrs. Eads' health had been failing for some time and as a change of climate was imperative, Captain Eads in the year last named, on her account, removed to the milder climate of New Mexico. The change was of benefit to the invalid, but the disease was too far advanced for the dry air of that country to bring about her recovery, and she died in 1891. Las Vegas was chosen as the place of residence, and as he had been very successful in his practice and had made money outside of the law, Captain Eads determined to enter the banking business. He was elected President of the San Miguel National Bank, and this venture proving remunerative, he subsequently organized the First National Bank of Raton and the Las Vegas Savings Bank of New Mexico, being elected President of each bank. As he went to New Mexico for the sake of his wife's health, he was constrained to return to Missouri on account of his own, which had been failing for some time, and therefore, in July, 1892, he resigned the Presidency of all three banks and returned to Carrollton. The extent to which Captain Eads succeeded in winning the hearts of the people of New Mexico is indicated in the following appended notice from the leading paper of the Territory:

"As will be seen by the announcement and resolution in another place, Capt. William M. Eads has resigned the Presidency of the San Miguel National Bank and the Las Vegas Savings Bank. The resolutions passed by the Board of Directors are exceedingly complimentary and must be highly gratifying alike to the Captain, his family and his friends. The growth of the San Miguel Bank under his Presidency has certainly been remarkable, if not phenomenal; and the entire community can but regret the severance of a connection which has been thus beneficial to the financial reputation of the city. To make the matter worse, Captain Eads proposes to return to Missouri to reside, thus taking away his citizenship from this community. A man active in every department of community life, by ability and position placed among the leaders of men, ready and convincing in speech and active in deed and council — such a citizen it is difficult to duplicate, and is lost with much regret. The general feeling of this section will be a wish that Captain Eads had seen his way clear to a different determination."

Since his return to his old home Captain Eads has not engaged in practice or active business, being content to rest after having attained such an enviable success as a lawyer and business man.

Captain Eads has always shown an ardent interest in public affairs, and although he has not held the public positions to which his signal merits entitle him, his worthiness has met with unsolicited appreciation in several instances. After his return from New Mexico he was appointed by Governor Stone, Curator of the University of Missouri, a worthy recognition of his life-long interest in and service to the cause of education. He is a sterling Democrat and his party has taken occasion a number of times to demand honorable service of him, but he has always refused to enter political life, although frequently

importuned to run for Congress, with an assurance of nomination and election. In 1896 he was a delegate from the Second Congressional District to the National Democratic Convention at Chicago, which nominated William J. Bryan. Afterward he campaigned the State from the Arkansas to the Iowa lines in the interest of Bryan and free silver. In 1893 his claims were urged for the Governorship of New Mexico, and he at once became the most prominent candidate for that office; and although he had left the Territory, a large number of his friends from New Mexico went to Washington City and in person urged his appointment, which was acknowledged by President Cleveland, and the appointment practically made, much to the satisfaction of the people of the Territory, but about the time Governor Prince's term expired, President Cleveland was advised of the fact that Captain Eads was a free silver man, and had stumped the Territory in behalf of that cause. The appointment was at once pigeon-holed, although urged by all the Federal office holders, such as Judge of the Supreme Court, United States Attorney, and a host of citizens and business men of the Territory, of all political complexions.

Captain Eads has long been known as one of the leading members of the Masonic fraternity of his portion of the State, having been connected with the order since 1854.

He has been twice married. His first wife was Sarah F. Bayne, of Chariton County, Missouri, to whom he was wedded September 21, 1854, and who died May 8, 1856. Subsequently, on June 25, 1857, he married Laura Blackwell, of Carroll County. As noted above, Mrs. Laura Blackwell Eads died at Las Vegas, New Mexico, January 22, 1891.

FRANK BURT ELLIS,

PLATTSBURG.

LIBERTY, in Clay County, Missouri, was the scene of Frank Burt Ellis' birth, and the date was August 20, 1855. James Ellis, his father, married Susan T. Bonton. The father, a prominent farmer of Clay County, Missouri, now lives at Plattsburg, Missouri. The Bontons were originally Virginians, our subject's Grandfather Bonton emigrating to Missouri in 1838. Frank Ellis' great grandfather on his mother's side was a soldier in the Revolutionary War. His grandmother on his mother's side was a Dabney. The Dabneys were an historic family in Virginia, dating their advent from the days of Sir Walter Raleigh. The Ellises came later, in the Eighteenth century. Mr. Ellis' paternal grandfather was a soldier in the War of 1812, and settled in Kentucky. His grandmother Ellis was a Deshea, a cousin of the famous Governor Deshea, of Kentucky. She enjoyed the distinction of being the first white child born in Mason County, Kentucky.

Mr. Ellis was educated at Cameron and studied law with Col. J. F. Harwood, now of Maysville, a sketch of whom will be found elsewhere. He was admitted to the bar at Kingston, Missouri, in 1881. Lathrop was the scene of his legal labors for ten years. They were ten years of success and triumph. Six years ago Mr. Ellis settled in Plattsburg, and has lived and toiled there continuously since.

It is to his neighbors you must go to find out what kind of a man Mr. Ellis is. He is too modest to speak for himself. The appreciation of his fellow-citizens has been shown in his election to the Mayoralty of Lathrop and his present position of Alderman in Plattsburg. In 1885 he was a delegate to the convention that nominated Judge Barclay for the Supreme Court and the Kansas City Court of Appeals. In 1892 he was a

delegate to the convention that nominated Sherwood, Burgess and Macfarlane to the Supreme Court.

Mr. Ellis has never had any political aspirations, accepting office only when it was forced upon him, as he prefers to be known and remembered strictly as a lawyer. He has never had too many irons in the fire, therefore he has succeeded in life. He is a Democrat, and his activity in politics has always been the result of his wish to see the best men elected.

His fame rests chiefly on his victories as a jury lawyer. Much of the notable criminal pleading around Plattsburg has been done by Mr. Ellis. As a speaker he possesses and exercises the high twin effects of thrilling and convincing.

Missouri Reports, volume 102, contain a noteworthy instance of Mr. Ellis' legal genius—the case of Hughes versus McDevitt. The litigation turned on the wording of the acknowledgment of an administrator's deed. The omission of the word "personally" caused the trouble. Mr. Ellis represented the plaintiff and won the case before the Supreme Court, thereby establishing an eminent precedent in the cases of these acknowledgments.

ANDREW ELLISON,

KIRKSVILLE.

ANDREW ELLISON, Judge of the Second Judicial District, was born at Monticello, Lewis County, Missouri, November 6, 1846, and is the son of Judge James Ellison and Martha (Cowgill) Ellison. Judge James Ellison was in his day one of the most profound lawyers and eminent jurists of this State, and, in fact, is one of the Titans of Missouri legal history. Born in Ireland, of Scotch–Irish parentage, he came to America with his parents when a child, and to Missouri about 1835, settling at Canton. From there his reputation spread throughout the State. He was contemporary and the peer of any of that old school of lawyers who shed such luster on the Missouri bar. His wife was Martha Cowgill, of Clark County, Missouri, who bore him thirteen children, seven of whom are now living. She was a woman of superior mind and great dignity of person. Four of the sons are lawyers, and all are men of ability and learning.

The subject of this sketch was educated at Christian University, at Canton, and afterward completed his studies at Christian Brothers College, St. Louis. In preparing for the law he had a splendid tutor in his father, in whose office he studied at Canton. He was admitted to the bar in Lewis County in 1866, and in April, 1867, located at Kirksville, Adair County. There he entered into practice with his brother, Judge James Ellison, now on the bench of the Kansas City Court of Appeals. It was only a short time until the firm enjoyed the reputation of being the strongest legal combination in that section of the State. They appeared in every case of importance in the county during their practice, and handled many of those on the circuit, winning a percentage of cases that was a surprise to the older lawyers. This period of practice extended over a term of ten years, and was then concluded by Judge Andrew Ellison being called to official position. In December, 1876, he was elected Judge of the Second Judicial Circuit, to succeed Judge Henry, who had been elevated to the Supreme Bench. Since then he has served continuously in that high capacity, in which he is without a peer or an opponent in the Second District to dispute the honor with him.

While he proved brilliant and successful as a practitioner, it is in his judicial capacity that his highest talents have been developed and illustrated. It is a peculiarity of the Ellisons that they have the talent both of the lawyer and Judge, but in the last named field they are without superiors. Judge Andrew Ellison has the judicial faculty in an eminent degree. Of a strong and virile mind, impartial in all things, he is able to grasp and analyze all the points of a case to the elucidation of its most involved and intricate details. A giant in stature and intellect, tall and handsome, of magnificent head and strong features, his presence alone is expressive, even eloquent. He has that peculiar magnetic quality which interests at once, and when he speaks, men always listen. The most superficial student of character would select him at once in any crowd as a man of a most superior type. The people and practicing lawyers of his circuit almost adore him, and although the circuit is really Republican, and frequently elects all other officers of that party, Judge Ellison, though a Democrat, is always returned. He has sat on the same bench for twenty years continuously, and can doubtless continue to occupy the place as long as he lives, or as long as he wishes. He is held in the highest esteem and honor by all classes, and to the people of that part of the State he speaks as an oracle, both on and off the bench.

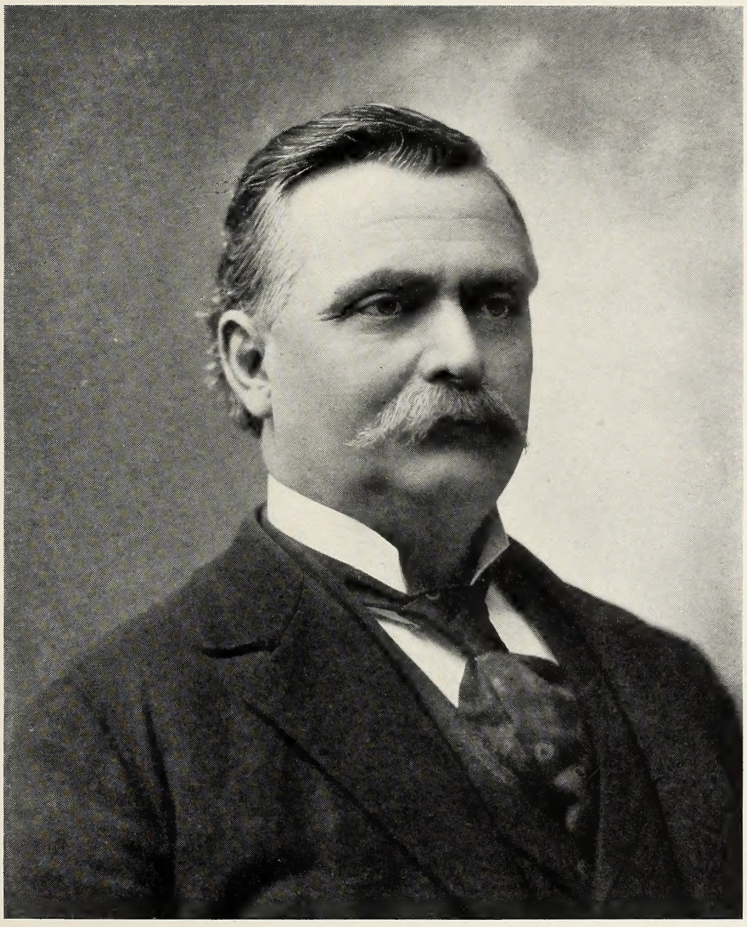
For sixteen years Judge Ellison has acted as one of the Board of Regents of the Kirksville State Normal School, and next to the law, the cause of education is perhaps nearest his heart. He stands high in Masonic circles, and for twenty-five years has been a member of that body, and is a Knight Templar and a Shriner. He takes a laudable pride in the number of law students who have read and studied their profession under him, and are now becoming distinguished members of the bar in Missouri, and several of the more Western States.

December 30, 1869, Judge Ellison was married at Canton to Julia M. Hatch, a rarely educated and refined lady. The couple have four children, all grown. Of the two daughters, the eldest, Isabelle, is now the wife of D. M. Vinsonhaler, a practicing lawyer of Omaha, Nebraska. The other daughter, Julia, is the wife of U. J. Hill, a broker of Kansas City. Both the sons, following the profession to which the name has been such an ornament, are just entering upon the practice of law. Samuel is a member of the firm of Humphrey & Ellison, of Shelbina, Missouri, while James is in the office of D. M. Vinsonhaler, at Omaha, Nebraska.

WILLIAM COWGILL ELLISON,

MARYVILLE.

WILLIAM COWGILL ELLISON, one of the younger members of the gifted family of that name, was born at Canton, Lewis County, Missouri, October 1, 1852. He is the son of Judge James Ellison and Martha Cowgill Ellison, and in himself are repeated many of the noble attributes that distinguished his able father, a short record of whom will be found on page 66. The mother of William was Martha Cowgill, a native of Kentucky. She was of Scotch descent, and thus our subject is but another example, of which there are a multitude in this book, of the high possibilities of a mixture of Scotch and Irish blood. The Ellisons seem especially fitted by nature for the bar, for four of Judge James Ellison's sons have followed his example, and have proved no less adept than he in that calling. Both Andrew Ellison, Judge of the Second Judicial Circuit, James Ellison, Judge of the



Andrew Peterson

Kansas City Court of Appeals, and George Ellison, of Canton, are brothers of the subject of this biography.

For culture and brilliancy, William C. Ellison is *facile princeps* in that center of Nodaway County's elegance and education, Maryville. He is a charming conversationalist, and among his neighbors readily occupies a place as a leader of thought. In his reading he is thorough, and he is a deep thinker as well as careful reader.

As a lawyer, Mr. Ellison has had charge of many cases, winning with ease, by legal learning as much as by native eloquence. His court room tactics are closely studied by the minor barristers. It is a high tribute to any man in position, and especially to any lawyer, when those whom he first regards as rivals become imitators. This means that his superiority is confessed by others without being asserted by himself. "Imitation," they say, "is the sincerest form of flattery."

As City Counsel of East St. Louis, Illinois, for three years, he was a most capable adviser. Later, from 1886 to 1888, he was Prosecuting Attorney of Nodaway County. A few cases in which he has been engaged, with triumph to himself and profit to others, are here enumerated: Munson versus Enson, 94 Missouri, 504; Smock versus Smock, 37 Missouri Appeals, 56; Redpath Brothers versus Lawrence, Manning & Cushing, 42 Missouri Appeals, 101; Griffin versus Pembroke, 64 Missouri Appeals, 263; Nichols versus Bank, 55 Missouri Appeals, 81; People ex rel. Sullivan versus Weber, 86 Illinois, 283; Cairo & St. Louis Railroad Company versus Wiggins Ferry Company, 82 Illinois, 230.

Politically he has not been ambitious, the duties of his profession claiming nearly all his time. He was a candidate for Congress on the Democratic ticket in 1894, and in 1896 was a delegate to the National Convention, at Chicago, which nominated Bryan. He is a Mason, being a foremost member of the Knights Templar in the Maryville Commandery, and a Mystic Shriner.

In his marriage Mr. Ellison is a superlatively happy man. Mrs. Ellison was Miss Laura Lucas, daughter of Dr. J. R. Lucas, of Lewis County, Missouri. This accomplished lady has borne him three promising children, who are all minors. They are George Robb, a student at college; Cornelia Margaret, and Sue Martha. The father of Mrs. Ellison is a Christian minister, known widely and well in religious circles throughout Missouri and the States adjoining.

Mr. Ellison was educated at the private schools of Lewis County and at Christian University, in Canton, Missouri. He studied law in the office of his father, Judge James Ellison, at Canton. He was admitted to the bar in 1873, at the county seat of Lewis County. The first practice of the young lawyer was at East St. Louis, in the year of his admittance. He remained there, practicing and prospering, until 1880. Then he located at Maryville, and has ever since been a barrister of Maryville and that part of Northwest Missouri.

HENRY CLAY EWING,

JEFFERSON CITY.

HENRY CLAY EWING, one of Missouri's honored citizens, comes of a distinguished family — a family noted for its wise and able men and noble women. The name Ewing runs throughout the web and woof of Kentuckian history, and wherever a representative of the family has carried the name of Ewing into other States, he has generally

made that name known and respected.* Henry Clay Ewing's grandfather, Robert Ewing, was born in Virginia, was a General in the Revolutionary Army, served two terms in the North Carolina Legislature, moved to Logan County, Kentucky, in 1792, was elected to the Legislature and served twenty-one successive years in its two houses. The record his tombstone bears ends with—"He was the oracle of his family and among his neighbors emphatically a peacemaker."

H. Clay Ewing is the son of Robert Allen and Jane (Ramsay) Ewing. The father was one of a family of four sons and five daughters, practiced law for many years at Jefferson City and was prominent as a leader in his day. He died in 1857, his widow surviving him until 1883. The latter was a daughter of Gen. Jonathan Ramsay, who settled in Callaway County in 1817.

The subject of this sketch was born August 15, 1828, at Jefferson City and has spent his long life there. He has seen Missouri grow from a domain of unfenced prairie and virgin forest into a populous and cultivated empire and throughout that term has left the impress of his personality on the development of the commonwealth. He was educated in the common schools of the State Capital, studied law in his father's office and was there admitted to practice in 1852. Since then, a period of almost forty-five years, he has practiced continuously in the courts of his native city, excepting such terms as he has given to the service of the public.

In 1873 he was elected Attorney General of Missouri and held the office one term. In 1876 he was Chairman of the Democratic State Central Committee, and managed the campaign with such cleverness and ability that the State gave for Tilden the biggest majority in her history. In 1883 he was elected to the Legislature and in the term following, was Chairman of the House Committee on Banks and Corporations. He was one of the Curators of the University of Missouri, owing his appointment to Governor Woodson. In 1877 and 1878 he was one of the trustees of the Missouri School for the Blind and for several years was a State Fish Commissioner. In 1883 he was a delegate to the Tenth National Conference of Charities and Correction, held at Louisville, and in November of the same year, was appointed Supreme Court Commissioner. This Commission, which was created to assist the Supreme Court in catching up with its docket, was in existence about two and one-half years.

Mr. Ewing is a member of the Methodist Church, South, and is one of the influential laymen of that body. As a lawyer he is gifted with a mind eminently discriminating, is endowed with great versatility and as a publicist is a figure that has wielded great influence in the affairs of the State for years. He is a man of unimpeachable integrity and of great moral stamina and is respected far beyond even the wide circle of his acquaintance.

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*No better idea of the standing of this family can be found than that given in a sermon preached as a memorial of Hon. George Washington Ewing, an uncle of H. Clay Ewing, who was for seven years a member of the Kentucky Legislature, and for three years a member of the Confederate Congress. The sermon was preached in Logan County, Kentucky, in 1888, by Rev. David Morton, who knew the family intimately and had lived in Logan County all his life. The extract is here appended:

"In my youth one of the eras in the history of Logan County was referred to as 'The year in which the Ewings came and brought the law with them.' This must have been 1792, for that year the county was formed and Young Ewing was one of the three original Magistrates. The family not only got this even start with the county, but continued to make and administer and interpret law in the councils and courts of State and Nation for a period of seventy-three years next following the year 1792. Except for a few brief interregnums, men named Ewing, and belonging to this family, have represented Logan County in the Legislature, State and National, in the Constitutional Convention, and on the bench, for all these years; and, besides, have ever been prominent on the hustings and at the bar of the county. And, in these intervals, descendants, of other names, from the original stock, have in many instances filled positions of honor and responsibility. Besides, the family name and other names representing its branches are found in the annals of other counties and States, and of one of the great Christian denominations of the country."

Mr. Ewing was married in 1855 to Miss Georgia Chiles, daughter of Walter G. Chiles, of Glasgow, Missouri. Mr. and Mrs. Ewing have no children. Mrs. Ewing is a niece of that famous figure of war time, Gen. Sterling Price.

JAMES L. FARRIS,

RICHMOND.

NO State can boast a bar of higher legal attainments, or whose members have exercised a greater influence in shaping the destinies of the commonwealth, than Missouri. Every county seat of her broad domain contains a bar whose members are generally men of ability and character, many of them of State or National reputation. Richmond, the county seat of Ray County, has always been proud of her brilliant lawyers, and of these one of the most talented and best known is James L. Farris. He has contributed more than an equal share to the development of that town, and his efforts have extended beyond its confines in shaping the laws of the State. As a lawyer his success is good evidence of his professional qualifications. He is powerful as an advocate, with that quick perception which enables him to grasp the merits of the most intricate case at a moment's notice; to realize and guard the weak points of his own case, to see immediately and attack the vulnerable points of his adversary's case; and to present the salient features of his own side of the controversy in the most plausible possible way, are the most noted characteristics of his attainments as a jury lawyer. In disposition he is courteous and affable, and possessed of that sanguine, optimistic temperament so characteristic of his "own people," as Rudyard Kipling would say; a Southern temperament of that impulsive kindliness, geniality and warmth, modified by a proximity to the methodical practicality of the North, which prevents such noble traits going to the extemity of hot and ungovernable passions.

A more explicit biography of Captain Farris records that he was born May 7, 1833, at Williamsburg, Kentucky. His father, Joseph I. Farris, was a Kentuckian, and his mother, whose maiden name was Jane W. Rogers, was born in Tennessee, and it was to the last named State that the parents moved shortly after the birth of their son. They chose Dandridge, Jefferson County, as their abode, and in that town the subject of this sketch spent his boyhood and received his education.

In 1856 the young man left the old homestead in Tennessee to seek a location in the newer West, his journey terminating at Richmond, Ray County, Missouri. While making preparations to adopt the bar, the War of 1861 came on and interfered with his plans. He was one of the first to realize the futility of trying to pursue a civil vocation while the flame of civil discord lit the country, and besides, his heart was fired with enthusiasm for the Cause that was Lost; he therefore at once joined the Confederate Army and was made Captain of the second battery organized for the Confederate service in this State, a battery that was led by its gallant Captain from the beginning to the end of the bitter contest. Captain Farris was paroled at Gainesville, Alabama, in 1865.

On his return from the war, Captain Farris passed through Carlinville, Illinois, and finding there a promising outlook for a young lawyer, decided to locate. He was admitted to the bar in 1867, and remained in Carlinville until 1869, when he returned to Richmond, Missouri, and opened an office. Early in his career he was elected Prosecuting Attorney of Ray County, and twice served the people in that capacity. A most flattering honor was

conferred on him in 1875, when he was sent as a delegate to the Convention which adopted the Constitution which replaced that bearing the name of the proscriptive Drake. Since then Captain Farris has four times represented his county in the Legislature, each time taking his place as one of the strong individualities of that body. At two of these sessions he was made Chairman of the Judiciary Committee, which is one of the most important, if not the most important Chairmanship of the House. He is a leading Freemason of his section of the State and has been connected with that order since 1863.

Captain Farris has been twice married. The first wife was Amanda M. Tisdale, a native of Missouri, whom he married during his days as a student of law, in 1859. The second was Olivia N. Galtney, of Mississippi, to whom he was wedded in 1873.

JOHN CUTTER GAGE,

KANSAS CITY.

JOHN CUTTER GAGE comes of a family wholly Americanized, and whose residence on this continent is older than the Republic itself. His ancestors came from England with one of those bands of adventurous and hardy patriots who sought the Western wilderness to escape the tyranny of kingcraft and the religious intolerance of the ruling classes of Europe, and established the family in New England at least two hundred years before his birth. One of his great grandfathers was a Lieutenant in the British Army. His father, Frye Gage, was a New England farmer; his mother was a member of a respectable Puritan family, her maiden name being Keziah Cutter. Their son, John C., was born at Pelham, New Hampshire, April 20, 1835.

He spent his boyhood on his father's farm, and this period of his history was little different from that of most New England boys, in like condition of life. His preparation for college was made at the noted Phillips Academy at Andover, Massachusetts. In 1852 he entered Dartmouth College, leaving there in 1854, and in the following year, 1855, entered Harvard, graduating from the latter institution in 1856. He read law in the office of S. A. Brown, of Lowell, Massachusetts, and was admitted to the bar in Boston in September, 1858. Within a month of the last named date he was on his way westward. Reaching St. Louis he was admitted to the bar in that city, and after spending the winter looking for a location in a country the "newness" of which at that time can scarcely be appreciated by people who did not see the Missouri of 1858, he very wisely chose the village called Kansas City, which had just shed its swaddling clothes as Westport Landing, and in the following March permanently located there. It will therefore be noted that Mr. Gage is a pioneer as well as an able lawyer.

His career since the date of his location in Kansas City has been a very active one. He began practice alone, but since then has been associated in partnership with the following named gentlemen: Messrs. W. C. Woodson, William Douglas, Sanford B. Ladd and Charles E. Small.

Mr. Gage was married April 26, 1886, to Ida Bailey, daughter of Dr. Elijah Bailey, of Monroe County, Missouri. They have two children: John Bailey Gage, born in 1887, and Marion Mansur Gage, born in 1889.

As a lawyer, Mr. Gage stands pre-eminent at the bar of Kansas City. Of great originality of mind, his career as a lawyer bears the stamp throughout of his strong individuality.



John C. Gage

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His grasp of the law is most inclusive. He has studied it as a science. He is a man of conscience, and its dictates have formulated his action in the practice of law as in all other departments of life. His effectiveness as a speaker does not consist so much in the brilliancy of method, as in the power of truth simply stated. He is known as a logical reasoner rather than an eloquent speaker. His strong point is perhaps, his ability as a counselor. His wisdom is then of the highest utility. It is a notable fact that his brethren without exception (and that does not except his enemies), accord him unqualified tribute as a learned and gifted lawyer.

Mr. Gage is a man of remarkable versatility. Undoubtedly his splendid success at the bar, is in a large measure derived from the fact that he is able to throw the light of many divergent branches of knowledge on whatever proposition of law he desires to elucidate. One instance which illustrated a knowledge of a branch of which the lawyer is supposed to know nothing, occurred in the litigation between Kansas City and the company which supplied her with water. Each litigant placed a corps of civil and mechanical engineering experts on the stand to testify as to the value of the water works plant and other matters, one of the points of the litigation being the purchase of the plant by the city. The testimony of these experts as to the value of the plant differed so radically, that United States Judge Caldwell, before whom the case was tried, not being satisfied with the expert testimony, sent East for a corps of disinterested experts to enlighten him. The testimony, consisting of reams of type-written matter, was laid before them. After they had been reading some time they asked: "Who is this man Gage, who is conducting the examination?" They were told that he was the attorney for the city. The answer was that the record showed that fact, but they wanted to know what he had been before he practiced law. On being told that he had been a lawyer since before the time when the memory of the oldest inhabitant ran not to the contrary, they insisted that he must either have been a civil engineer, or studied that science with the intention of becoming one. "For," said they, "none but a thorough civil engineer could have asked the questions put by Mr. Gage to these witnesses. The questions show him to be as conversant with the technical details of the business as any practical engineer." It is thus with Mr. Gage in every case involving matters of scientific or technical knowledge. If he is not acquainted with the special branch involved he immediately begins its study, and as a consequence he has become one of the most versatile and accomplished lawyers in the State.

In politics he is a Democrat and although he has never aspired to any office, being an attorney-at-law and not an attorney-at-politics, he was persuaded in 1883 to become a candidate for the Lower House of the Legislature. He was elected and made one of the best Representatives ever sent from his district. He is a member of the State Bar Association and has acted as the President of that body. His articles on the "Bar of Jackson County" and on Willard P. Hall, in this work, are contributions of the highest historical interest.

The people of Kansas City give an universal testimony to the ability and worth of John C. Gage. As a man he is admirable no less than he is profound as a lawyer. A man of most pronounced and radical views, and a born fighter for what he believes to be the right, his opinions have naturally run counter to the views of certain people, and he has made some enemies; but it is a fact more eloquent than words, that even these concede his high ability as a lawyer, his sincerity of purpose and the lofty integrity of his character. He may be considered a man whom Hatred or Envy cannot successfully malign, at least in Kansas City. He is a person of great mental and physical energy and his city owes him

much. Of the greatest public spirit, his initial energy accomplished wonders for the city in the days of its early building. Though a busy lawyer, he did as much perhaps as any other man to bring capital to Kansas City, and interest the world in her advantages. Of simple manner and democratic ways, there is a strength in this very simplicity which conveys the fact that he is a man of ability and character; and indeed he is, though a very modest one. There is about him none of that thrusting forward of self that is characteristic of many men of small soul, and no taint of that offensive egotism that too often mars the characters of men of real capacity. In short, he is able, modest, kindly, unselfish, lovable, and his career of forty years in Kansas City is without a stain or blemish. On the contrary, it has been a career that has been of the highest usefulness and benefit to his fellow man.*

JAMES B. GANTT,

CLINTON.

NO abler jurist has occupied the woolsack of the Supreme Bench in recent years than the Hon. James B. Gantt, at this time Presiding Judge of that court, and therefore the highest judicial officer of the State. He is a ripe scholar, has a profound knowledge of the law, is a lover of books and a believer in those refined humanities which impel the race constantly toward a higher plane of being.

Judge Gantt is a Georgian. He was born on a farm in Putnam County, that State, October 26, 1845, and at forty-five was raised to the Supreme Bench of this great State, an age much below that at which most lawyers achieve that distinction. As a lad he attended the excellent village schools then maintained in the South, and was but a boy when the political dissensions of that day burst forth in civil war. As a matter of course he was a partisan of his State, and when he had reached his sixteenth year he enlisted in the Twelfth Georgia Infantry and was assigned to the Army of Northern Virginia. It was in the spring of 1862 that he marched away from his home to face the dangers of the bloody campaigns of that army. His regiment was a part of the command led by the immortal "Stonewall" Jackson, and he followed that intrepid leader in his campaigns against Milroy, Banks, Shields and Fremont, successively; then came, in their order, Cedar Mountain, Chantilly, Sharpsburg, the second Manassas and the seven days' battle about Richmond, in all of which the young soldier bore his part as became one of Jackson's irresistible legion. At Chancellorsville he heard the firing from the Confederate line, by which deplorable blunder the South lost the services of this great General. From Chancellorsville, and the loss of Jackson, young Gantt followed Lee, two months later, to Gettysburg and participated in that great and sanguinary battle, and was there twice wounded. But this was only the beginning of his injuries. After his recovery from the

* In illustration of Mr. Gage's nobility of character and inflexible honesty, many incidents are related in Kansas City. One of these demonstrates how rugged and uncompromising is this integrity. He had been very successful at the law, and had made considerable money which he invested in the development of Kansas City. He was caught in the boom's collapse and most of his fortune swept away. Among several manufacturing companies which he had induced to locate in Kansas City was one with which he was connected as a director. It went down with many other concerns which suffered the huge shrinkage in values incidental to the collapse of the boom, and left a huge sum of debt in excess of its assets. Creditors had no legal method of recovery, and Mr. Gage was certainly not responsible to a greater extent than a number of others interested in the corporation. He was morally liable for no more than his share, but so conscientious is he that he did not permit legal exemptions to enter into the case at all, and he assumed the entire indebtedness of the company, and has since been paying it off year by year. It is stated (and this is very gratifying) that he has already paid the greater part of these many thousands, for which the firm's creditors can thank only his rigid honesty.



James W Garner

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wounds of Gettysburg, he again joined his command and was severely wounded in the left ankle on the day that General Grant crossed the Rapahannock. After another siege in the hospital, he returned to his regiment, but was permanently disabled at Cedar Creek, October 19, 1864, which with him, ended the war. He reached his home in Georgia a few weeks before the surrender, and his wounds, which disabled him for life will, until the final great roll call, bear honorable testimony to his bravery and the innumerable dangerous positions he occupied as a soldier.

Shortly after the war, he began teaching school, and in less than a year had secured a very desirable position as private tutor. It was at this time he selected the law as a profession, and began the study of that science in the office of Col. L. N. Whittle, at Macon, Georgia. In January, 1867, he entered the law department of the University of Virginia, completed his professional studies and in July, 1868, graduated with the degree of Bachelor of Laws. Only taking time to pay a visit to his home in Georgia, he struck out for the great land west of the Mississippi, in October, 1868, landing in St. Louis, where he made up his mind to locate. He was there admitted to practice by Circuit Judge Roderick Rombauer, but after a few months spent in the metropolis, he concluded to push on further west, and in pursuance of his quest, he reached Clinton, and there finally pitched his tent. Fame and fortune were not rapidly achieved, as Clinton had yet to develop, and secure railroads and surrounding population. In 1875, having won the favorable opinion of George G. Vest, now Senator from Missouri, then in active practice in that section of Missouri, the latter offered the young lawyer a partnership, and because of this change in his affairs, Mr. Gantt removed to Sedalia, where he continued as Mr. Vest's partner until 1880. As he maintained his interest in Clinton throughout this time, and did not cease to look upon it as a place to which he would some day return, in the same year he began practice there for the second time, he was elected Judge of the Twenty-second Judicial Circuit. His service of six years in that position, his probity, exact impartiality and splendid judicial acumen wholly won the hearts of the people, his constituents. He could have succeeded himself without the asking, and more than one good citizen of that part of the State was disappointed because he refused to yield to the urging of his friends and again become a candidate.

He returned to his private practice after leaving the bench, and for a period of four years had all the legal business he could attend to. In 1890 he was again called to public station, being elected, in November of that year, to the Supreme Bench of the State, succeeding Judge Robert D. Ray. On assuming the ermine he was elected Presiding Justice of Division No. 2, and on Judge Barclay's resignation, February 1, 1898, he was elected Chief Justice.

Judge Gantt is essentially a jurist, and on his record on the bench, rather than as a practitioner before the courts, must his fame rest. His grasp of profound legal propositions, and the learning and legal discrimination displayed by him in many of the opinions handed down from the bench, are often a surprise even to those who know him best. The bench is the position to which he is fitted above all others, and it may be assumed that his career as an interpreter of the law is only begun.

The people of the State have been made vividly sensible of the possession of his part of an extraordinary judicial instinct, which seems to search out the equities of the most intricate proposition; and this added to his learning and experience, will doubtless be to him material from which he will carve a most enduring fame.

April 23, 1872, Judge Gantt was married to Miss Alice Warth, daughter of one of the best families of Clinton. She died August 8, 1889, leaving four children. The Judge was again married, July, 1891, to Mrs. Mattie W. Lee, an estimable lady of Clinton.

JAMES W. GARNER,

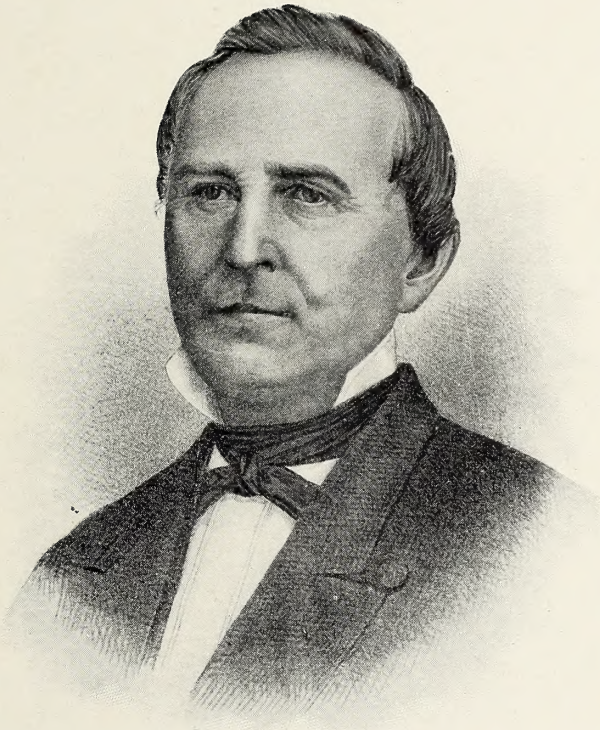
KANSAS CITY.

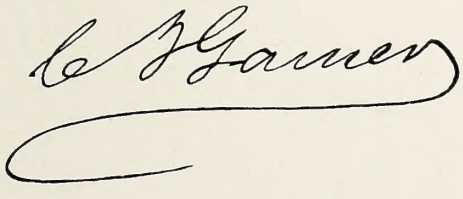
RAY County, Missouri, is the home of many notable lawyers, but perhaps the foremost of these can be included in the Garner family, who have made Richmond their place of abode. James W. Garner, the subject of this sketch, was born September 2, 1852, in Richmond, Ray County, Missouri, and came of a gifted father and grandfather, of whom a full record will be found in the sketch following this.

James W. Garner was educated at Richmond College, in the town of Richmond, Ray County, Missouri, and after studying law in the office of Doniphan & Garner, at Richmond, was admitted to the bar when twenty-four years old by Judge Philemon Lucas, Judge of the Ray County Circuit Court. Continuing to reside in Richmond and practice law there until May, 1887, he then removed to Kansas City, Missouri, where he has been in practice for the past eleven years.

His election to the position of Prosecuting Attorney of Ray County for two terms, in the fall of 1882 and the fall of 1884, was a standing proof of the appreciation his fellow-citizens had of his ability. Though frequently tempted to enter politics, he has persistently refused, preferring to shine exclusively as a lawyer. He has been connected with some notable cases in the jurisprudence of Missouri, a few of which may here be enumerated. The case of the State of Missouri versus James L. Kyer, one of the most prominent in Northwest Missouri, was prosecuted by him, three weeks being consumed in the trial. He was also prosecutor in the case against the notorious Bob Ford, the assassin of Jesse James, the charge being murder in the first degree and the trial taking place in the Circuit Court of Clinton County, the result being an acquittal. Later he defended Charley Ford, the brother of Bob, charged with robberies in connection with the James gang. The result of his defense in the case of William Peake, City Treasurer of Kansas City, indicted for embezzling $20,000, was an acquittal. The acquittal in the case of Blanche Connors, accused of murder in the first degree, was also in consequence largely of Mr. Garner's skillful defense. The cases in which the elections of officers in Jackson County were contested had Mr. Garner for defending advocate, and they were won by him. In the suit for $25,000 brought by Vineyard against the Leslie E. Keeley Company, and the later suit of Johnston versus Leslie E. Keeley for $100,000 damages, involving the disclosure of the formula of the Keeley cure, Mr. Garner was successful in securing a verdict. Another noteworthy case was that of B. F. Cates, charged with murder in the first degree, relative to which there were three trials, Mr. Garner finally succeeding in having the defendant discharged.

During the quarter of a century of his law practice, he has done some remarkable legal work, achieving in that time the reputation of defending twenty men accused of murder without one verdict of conviction. Still he has been as successful in the conduct of civil suits as in the prosecution or defense of criminal cases. The capacity to present a





case with force and clearness is one of the prominent characteristics of Mr. Garner as a lawyer, and lies perhaps at the bottom of the power to convince, which he displays before all Judges and Juries.

As a member of the Independent Order of Odd Fellows and the Knights of Pythias he has made a notable record, having occupied all the chairs in the subordinate lodges of the Odd Fellows, and is a member of the Grand Lodge of Missouri. He is now Supreme President of the Knights and Ladies of the Fireside, a benevolent insurance organization, having been elected in October, 1897. Although never a candidate for any political office except that of the Prosecuting Attorneyship, he has always been the most prudent and progressive of Democrats, accomplishing splendid results as a member of the Democratic County Committee of Jackson County for the years 1895 and 1896.

Mr. Garner has been twice married, the first time to Leonora Snoddy, daughter of Samuel F. Snoddy, a leading citizen of Howard County, and of this mariage there was born one child. After the death of his first wife he married Miss Carrie Cates, of Galesburg, Illinois, by whom he has two children.

THE GARNERS,

RICHMOND.

FEW names are better and more favorably known in the general and legal history of Northwest Missouri than the Garners, father and son, of Richmond, Ray County. Both have added to the material prosperity and advancement of their sections and both have been for many years conspicuous figures of the legal fraternity in that part of the State. The father, Christopher Trigg Garner, was a man of commanding influence in Ray County, both in the regular affairs of life and of those that appertained to his profession, up to the time of his death, which occurred January 31, 1897. His son, who from 1876 was his father's partner until his death, is now his successor, and is likewise the inheritor of much of his fine natural legal capacity, his liberal broad-mindedness and his gift as an eloquent pleader.

Christopher Trigg Garner, the elder, was a native of Missouri, having been born in Howard County, March 25, 1825. His father, Jesse W. Garner, a Kentuckian, was one of Missouri's earliest pioneers. He settled in Howard County at a very early day and at a time when it was about the only civilized and developed spot in what was then virtually a vast wilderness. Being a carpenter, he built the first school and college building at Fayette. His wife and helpmeet was, when he courted her, Docea Trigg, daughter of Gen. Stephen Trigg, of Virginia. The Triggs were of English origin and an historical family of the Old Dominion. It made a settlement in that State at a very early day and subsequently gave many of its sons to the cause of human liberty as wrought out in the American Revolution.

Christopher's youth was that of other boys of that time and place — frugal, busy and healthful — an environment whose simplicity, closeness to nature, honesty and industry, seem to have made it the ideal condition, if we are to measure its benefits by the strong, able men of noble character it produced; and who from such simple surroundings rose to take their places as leaders in thought and action, have left the effects of their influence for good on American history in every generation since the Revolution. Of similar nature were

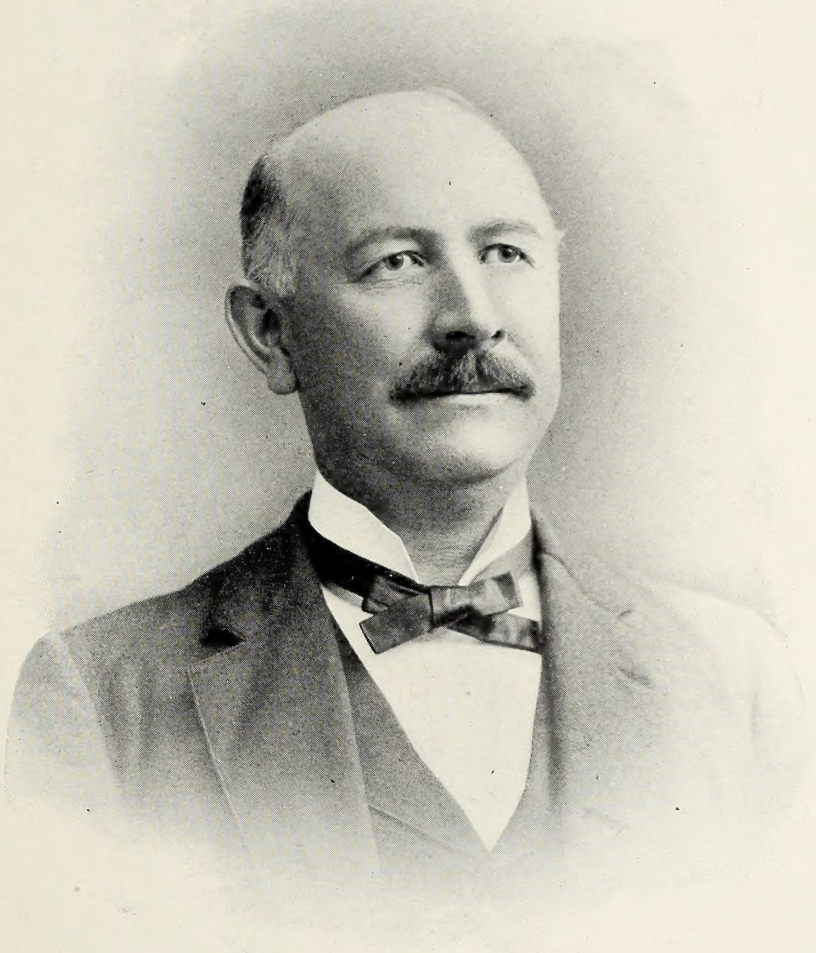
the surroundings of him who for many years occupied such an enviable place at the bar of Northwest Missouri. He received his education at the log school house of that day and when he grew old enough, became his father's assistant at the carpenter bench.

Although he was attentive and industrious always, his ambition led him to dream of higher things — of the law — which was then (in that time and place) the pathway of all others that led to advancement and success. In the intervals when he rested from his physical exertions, he began his mental labor, and thus after a time he was enabled to begin the realization of his hopes through the encouragement and kindness of Hon. Geo. W. Dunn, of Richmond, Missouri. He entered his office and prosecuted his studies for three years, or until 1848, when he was admitted to the bar at Richmond by Judge A. A. King, afterward Governor of Missouri. Judge King was interested in the young beginner and advised him to remain in Ray County, notwithstanding there were many established attorneys of reputation at that bar. The advice was followed, the young lawyer's first office being but a desk in a drug store, and he began practice without a single book; but the people of Ray County soon saw that he was thoroughly in earnest, they noted his diligence and came to know that he was conscientious as well as ambitious. He soon secured business enough to repay Judge Dunn the money he had advanced and to open a regular office. In 1852 he was elected Prosecuting Attorney and on the expiration of his term in 1856, declined renomination for a second term. The law and the ambition to perfect himself in a knowledge of its science, was the ruling passion of his life, and notwithstanding his undisputed popularity and the many opportunities that came as an inducement to enter the field of politics, his aspirations did not lead him in that direction. Nevertheless, in 1862 he was induced to accept an election to the Legislature and served one term in that body.

He was a man of great public spirit, and gave of his time and talent to the material deevlopment of the section wherein he lived. He was one of the leading spirits in the organization and construction of both the St. Louis, Kansas City & Northern Railway, and the St. Joseph & St. Louis Railway, both roads now being a part of the Wabash System. He was the attorney of these roads, and after their absorption by the Wabash, continued as the attorney of the greater corporation until his death. He was one of the organizers of the Ray County Savings Bank, was for many years one of its directors, and was prominent in every enterprise contemplating the welfare of his city and section. In politics, Mr. Garner was a Democrat, but in his younger days an adherent of the old Whig party. He was a Mason and for a long period was one of the active members of that fraternity.

Mr. Garner was married November 5, 1850. Elizabeth B. Mosby, daughter of James Mosby, of Callaway County, Missouri, became his wife and bore him an interesting family of seven children. She survives her husband. The two oldest sons, James W. and Christopher T., Jr., followed in their father's footsteps and are practicing lawyers.

Of the second son, Christopher T., his father's successor and his namesake, it may be said truly that he is one of the most brilliant and successful young lawyers of the "Platte Purchase," a section that has always been noted because of the high legal and intellectual attainments of its bar. The son of a lawyer, he early manifested those peculiar traits and the bent of mind which led his father to select him as the son on whom his own legal mantle should fall when age finally unloosed his grasp; and his career up to this point has fully realized the sanguine confidence of his relatives and friends. He is a man of broad and liberal mind and the most thorough legal culture. He is more or less of a



C. T. Garner Jr.

student, and is a thinker along original lines. No less conscientious and devoted to the interest of his clients than was his father, when he enters into whatsoever cause he may espouse, it is with a zest and enthusiasm that exhausts his every power. In the management of a suit he is resourceful and ready, and conducts his cause with a skill similar to that of an able military leader in the field.

Christopher T. Garner, Jr., was born in the town where he has spent his life and where his reputation as a lawyer has been made. He first saw the light there, January 15, 1855. After acquiring the rudiments of an education in the common schools, he completed his schooling at Richmond College. At once entering his father's office as a law student, he was admitted to the bar at Richmond in 1876. He was taken into partnership by his father and has actively engaged in professional work since then, the greater share of the firm's heavy business falling on his shoulders. He has been urged often to accept public office, but has declined, preferring to follow his chosen profession and by his zeal and energy is accumulating a competency. On his father's death he was appointed as the latter's successor by the Wabash, and also succeeded to his other interests and responsibilities.

In May, 1879, Mr. Garner was united in marriage with Minnie A. Hume, a handsome and accomplished daughter of Howard County, Missouri. They have three children.

Mr. Garner is yet in the morning of life. With a remunerative practice, with an enviable reputation as a skillful lawyer, with loving wife and children and a host of friends, his present is as satisfying as his future is bright.

EDWARD PAYSON GATES,

KANSAS CITY.

EDWARD PAYSON GATES, Judge of the Circuit Court of Jackson County, was born at Lunnenburgh, Vermont, March 5, 1845. The earliest American representative of the Gates family was Stephen Gates, who was born at Higham, England, and was the son of Thomas Gates, of Norwich, Norfolk County, England. Stephen came to America in the ship "Diligent," of Ipswich, arriving in 1638. He settled in Higham, Massachusetts, the town that bore the name of his native place in England. He was one of the founders in 1654 of Lancaster, Massachusetts, and died in Cambridge, Massachusetts, in 1662. He was made of that stern, brave stuff, which in the face of almost insuperable obstacles, reclaimed New England from the wilderness and red savage. He was active, energetic and a man of influence and standing among the pioneers of his day. His great grandson, Capt. Silas Gates, was a patriot of the American Revolution and commanded a company in Col. Jonathan Ward's regiment of Massachusetts troops. He served throughout the years 1775-76-77, and was for a time also connected with Col. J. Reed's Massachusetts Volunteers. His son, Samuel Gates, who was the great grandfather of our subject, following the example of his father, also enlisted in the Army of Liberation and served through many hotly contested campaigns. Judge Gates' father was George W. and his mother Sarah D. Gates, nee Todd. The former was a man of force of character and ability. He served as United States Marshal of Vermont, being appointed to the office by President Van Buren. In 1850, with his family, he emigrated westward, settling at Port Byron, Rock Island County, Illinois. In 1865 he again moved, selecting Independence, Missouri, as his location. He came to be esteemed highly by the people among whom he

had settled and rose to be one of the civic and political leaders of that section of the State. In 1868-69 he was elected and served as presiding Judge of the County Court. In 1870 he was elected to represent Jackson County in the State Legislature, serving in that capacity during 1871 and 1872. It will thus be seen that the Gates family has been closely identified with the history and development of this country, and in fact is one of the very oldest American families in the republic.

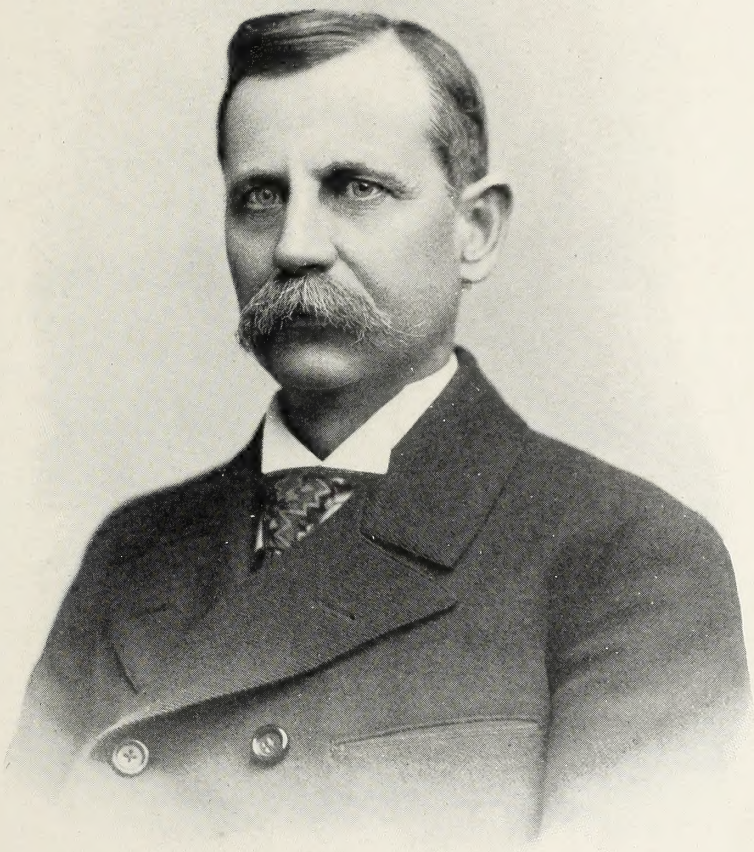
Judge Rates received his education in the schools of the West, being but a boy of five when the family migration from Vermont occurred. He attended the public schools, and prior to entering Knox College at Galesburg, Illinois, received the benefit of the preliminary training of the academy at Port Byron, Illinois. He became a pupil of Knox College in 1866, and taking the full classical course, graduated, with high honors, in 1867. He then at once joined his father's family at Independence, Missouri, and within a short time, entered the office of Comingo & Slover, two lawyers who were among the brainest of that brilliant old school who were the leaders in the social and political life of Missouri in the days when the practicing attorney "rode the circuit." Their example and instruction were of much value to the young beginner in laying the foundation of his legal career. He finished his reading in 1868, and on September 21 of that year was admitted to practice at Independence. He has lived either at Independence or Kansas City ever since, and has attained a measure of professional success that comes only to him who is willing to work long and earnestly and who has the high natural powers to serve as a foundation on which to build.

In 1877 the young lawyer formed a partnership with Hon. William H. Wallace, which was to continue almost twenty years. The style of the firm was Gates & Wallace, although its personnel twice contained others besides them, namely: John A. Sea, Esq., of Independence, Missouri, who was a member during 1878-79, and T. B. Wallace, Esq., who was a member from 1887 until its dissolution on January 1, 1896.

The professional labors of Judge Gates have been enormous. The firm of Gates & Wallace commanded a very large practice and was retained in a large per cent. of the important cases in Kansas City and Western Missouri during the last fifteen years of its continuance. He was admitted to practice in the Supreme Court of the United States in 1888 and attended to weighty litigation before that august tribunal. Among the cases in which he appeared there were what were known as the township and county bond cases from Missouri. The strong defense he made in behalf of the people in those cases is well known.

As County Counsellor of Jackson County he distinguished himself by his able and successful defense of the oleomargarine law of the State against Hon. Roscoe Conkling, who was especially retained to fight the law. Space will not permit the mention of the many other important cases in which Judge Gates took a leading part.

During his career Judge Gates has frequently been made sensible of the desire of his fellow-citizens to honor him and has held numerous official positions of responsibility. His first public honor came in the form of an election to the City Attorneyship of Independence. He was the first County Counsellor of Jackson County, and was re-elected to the office as his own successor, serving from 1887 to 1890, inclusive. By Gov. David R. Francis he was named, in 1890, as one of the Board of Managers of Insane Asylum, No. 2, at St. Joseph, and was re-appointed by Gov. William J. Stone, in 1893, but resigned in 1894 to devote his whole attention to his law practice.



Edward P. Gates

During the campaign of 1896 he became a candidate for Judge of the Sixteenth Judicial Circuit, comprising Kansas City and Jackson County. He was elected by a majority of such proportions as to be a splendid tribute to his standing as a lawyer and his popularity as a citizen, and took his seat on the bench for a term of six years, in January, 1897. He is giving unusual satisfaction as a Judge and his future as a jurist is regarded by the bar as of the brightest.

Politically, Judge Gates is an unwavering Democrat and for many years prior to his receipt of judicial honors, was looked upon as one of the strongest political factors of Jackson County. He likewise stands high in the Masonic fraternity, of which he is a Past Master, and also belongs to the Knights of Pythias. He is one of the faculty of the Kansas City School of Law, occupying the Chair of Common Law Pleadings.

Judge Gates is a man of very unusual make-up. He possesses extraordinary individuality. His mind is perfectly logical and he thinks with wonderful rapidity. As a practitioner he was not only painstaking, but also one of the readiest men at the Kansas City bar. He has a remarkable memory and can recall the exact facts and cite the cases relied upon in almost every case he has ever been retained in. He is a thorough student of the law and his peculiar fitness for the judiciary has been so long recognized that he could have held a Judgeship years ago if he had so desired. He is fond of the woods and fields and generally spends his vacations in the health-giving sports they afford. He is a devoted lover of books and his studies have not been confined to those of his profession. In his library, which is a fine and valuable one, is to be found a rare collection of the best of American, English, French and German literature.

Judge Gates was married November 4, 1886, to Pattie Field Embrey, daughter of William and Mary Embrey, of Richmond, Kentucky. Mrs. Gates' ancestors settled at Richmond in the latter part of the last century, and at the opening of this had attained high prominence and standing. Her family is among the wealthiest and most influential of the Blue Grass region, being connected by ties of blood with the noted Clay and Field families.

JAMES GIBSON,

KANSAS CITY.

JAMES GIBSON, of Kansas City, was born November 19, 1849, in Cooper County, Missouri; was educated in the common schools of the county and at Kemper's College, the well-known institution of learning at Boonville. It was upon the farm where he was born and reared that he learned those habits of indefatigable industry and self-reliance that have characterized his career since arriving at manhood.

In 1871 he removed to Kansas City, where he has since resided; was admitted to the bar in 1875; elected City Attorney of Kansas City in 1877, and again in 1878; in 1880 he was the Democratic Presidential Elector of the Fifth Congressional District, then composed of Cass, Jackson, Clay and Platte Counties; in 1883 he was elected Mayor of Kansas City, and was a deservedly popular officer. At the close of his term he was tendered a unanimous renomination by his party, but declined it.

In the early part of 1889 he was, by the Governor, appointed Judge of the Circuit Court of Jackson County, and at the next election, in 1890, was elected to the same position by the largest majority of any candidate on any ticket in the county. In this position

he served with eminent ability until January 1, 1894, giving entire satisfaction to attorneys and litigants and winning the warmest commendation for his patience, painstaking labor, his rugged honesty of purpose and his fearless decision of the many important and complicated questions presented to him for determination. He was exceedingly popular with the bar, and his rulings were affirmed in nearly all the cases appealed from his court. He resigned January 1, 1894, to return to the practice of his profession. Upon his retirement the high esteem by which he was held by the bar was evinced by the adoption of most commendatory resolutions by them, and by the presentation to him of an elegant gold watch, and it can be truly said that no Judge ever enjoyed the confidence of the people to a greater extent than did Judge Gibson.

As a practitioner he commands the highest respect of both bench and bar; as an advocate he is intensely earnest, and no lawyer in the State makes his client's cause so sincerely his own as does Judge Gibson. He has been eminently successful as a lawyer and a jurist, and deservedly stands to-day in the front rank of the bar of Missouri.

His paternal great grandfather, John Gibson, was a Pennsylvanian, served in the Revolutionary War and was wounded at the battle of Brandywine. Judge John Bannister Gibson, the noted Chief Justice of Pennsylvania, was also a member of this family. Hugh Gibson, the grandfather of Judge Gibson, was born in Pennsylvania, and in early life removed to Montgomery County, Virginia, served as a Captain in the War of 1812, married Elizabeth B. Rutledge, daughter of General Rutledge, a member of the famous Rutledge family of South Carolina, and one of the heroes of "King's Mountain," an engagement fought during the Revolutionary War. General Rutledge died in 1821 of a wound received at the siege of Yorktown. John Hugh Gibson, the father of Judge Gibson, was born in Virginia, and removed to Missouri at an early age, where he followed the vocation of a farmer.

Judge Gibson's mother, Mary A. Hill, was a lineal descendant of Robert Hill, of North Carolina, who was born in Virginia in 1750 and served in the Revolutionary War as a Captain in the North Carolina forces. She was born in Cooper County, Missouri, December 15, 1818, while it was yet a Territory, was a granddaughter of Samuel Peters, who served in the War of 1812, and who was one of the earliest settlers of Missouri. Petersburg, in Cooper County, bears the name of this worthy pioneer.

On November 18, 1880, Judge Gibson married Miss Mary Todd Pence, of Platte County, a daughter of Lewis W. Pence, one of the leading farmers of Northwest Missouri.

The Judge is intensely a man of the people and proud of the fact that he is a native Missourian. Socially, Judge Gibson is exceedingly pleasant and affable, though a man of great determination and force of character.

TURNER ANDERSON GILL,

KANSAS CITY.

ONE of the able jurists of the Western Missouri metropolis, and one who for years has occupied a position of commanding influence as a citizen, is Judge Turner Anderson Gill, who after many years of service in public life and as an official in various capacities, now fills a place of honor and responsibility as Judge of the Court of Appeals of Jackson County.



James Gibson

Journal Publishing Co St Louis

Judge Gill, the son of Marcus Gill and Sarah Gill, nee Bruton, was born in Bath County, Kentucky, December 8, 1841. His father was originally engaged in the milling business and came to Missouri in March, 1854, settling in Jackson County, where he profited by the wonderfully rapid development of that section and became one of the county's most influential and wealthy citizens. Both parents are now dead. The remote ancestor of the Gill branch of the house was the Rev. John Gill, D. D., an English Presbyterian divine and pulpit orator of ability and force, who came to America late in the last century and settled in New York.

Judge Turner Anderson Gill was twelve years of age when he came to Jackson County in 1854. A few years later he had progressed in his studies until it was determined that he should enter the University of the State of Missouri, where he was at the breaking out of the Rebellion. The sympathies of the family were naturally with the South, and fired with enthusiasm, the young man left his books and in 1861 enlisted in the Confederate Army. He was in active service during the entire four years of hostilities, and his gallant bearing won him promotion. On the declaration of peace, he was Captain of Company K, Second Missouri Cavalry—the famous "Shelby Brigade."

After the war he studied law in the office of J. V. C. Karnes, at Kansas City, finishing his course at Kentucky University, graduating in 1868. The City of the Kaw's Mouth, at the time when he returned and was admitted to the bar, was little more than a country town, and its development did not begin until several years after the war. Although its citizens did not, in 1875, realize its final high destiny, they did realize, at that critical period of the city's upward start, that the municipality required a live and progressive man at its head, and to that fact was largely due the election of Mr. Gill as Mayor of Kansas City in the year above named. He was elected as his own successor in 1876, and on the expiration of his second term he was appointed City Counselor—1878–9. About this time he formed a partnership with Judge Gardiner Lathrop, an eminent lawyer of Kansas City, the firm being Lathrop, Gill & Smith, and this arrangement continued up to July 1, 1881, when he was appointed Judge of the Circuit Court of Jackson County, by Gov. T. T. Crittenden, to fill the unexpired term caused by the death of Judge Samuel H. Woodson. This appointment was made at the solicitation of the Jackson County bar. In this responsible place he served eight years, being elected and re-elected; and at his last election as Circuit Judge was complimented by the indorsement of all political parties. He could doubtless have held the Circuit Judgeship for life, but the people demanded that he accept promotion at their hands, and in 1889, resigning his office, he was elected to the place he now holds—Judge of the Court of Appeals of Jackson County.

Judge Gill's attention has not wholly been absorbed by the details of his office or his profession. He is an enthusiastic believer in the future of Kansas City. He was one of those who assisted to create this urban wonder. He was a charter member of the Kansas City Board of Trade, a member of the Fair Association and has been identified with numerous smaller enterprises for the upbuilding of the city.

He was married March, 1871, to Miss Lizzie Campbell, of Kansas City. She is a native of that city, where her father was one of the earliest pioneers and established the first ferry across the Missouri at that place. The couple have three children, all boys, namely: Charles S., twenty-five, married and engaged in the brokerage and banking business, at Kansas City; George S., twenty-three, associated with the Posey–Brobeck Mercantile Company, as a part owner; William E., fourteen, yet going to school.

Judge Gill politically has always affiliated with the Democratic party, yet he is not an active partisan. In his profession as a lawyer he has covered a wide field, having paid attention to every department of the law, excepting criminal practice, in which he took no special interest. He has won a most enviable reputation as a Judge, his decisions being characterized by a clearness and discrimination that betokens deep study and a profound knowledge of the law; but he is possessed of that which is more essential than any other quality in a Judge: He is a man of absolute honesty and the loftiest integrity. No one ever questioned the uprightness or sincerity of Judge Turner A. Gill.

NOAH MONROE GIVAN,

HARRISONVILLE.

BORN in Indiana, Judge Noah Monroe Givan, of Harrisonville, spent the first twenty-six years of his life there, but for the last thirty-one years has been an honored and respected citizen and official of this State. The Givans are of Irish extraction, but for over a century and a half have been residents of Maryland. They were here when our patriot forefathers determined to resist the tyranny of England, and several of them bore arms in the Revolution. Judge Givan's father, George Givan, was born in Worcester County, Maryland, December 1, 1816. Joshua Givan, his father, was born at the same place July 2, 1788; George Givan, his father, likewise a native of Worcester County, was born in 1750; John Givan, his father, born in Ireland, date unknown, was the ancestor who brought the family name to America. Thus Judge Givan is representative of the fourth generation of his house in both paternal and maternal branches, of American birth. His mother's maiden name was Sabrina J. Hall. She was a native of Indiana, but her father, Daniel Hall, was born in Maine, and his grandfather, whose name was Hateevil Hall, was born in Belfast, Ireland.

Judge Givan was born December 1, 1840 (his father's twenty-fourth birthday), at the little town of Manchester, Dearborn County, Indiana. His father was a farmer and his son enjoyed those healthful, simple and natural surroundings in which have been laid the solid foundations of character whereon were builded the success of many of our strong, able and upright thinkers and actors in American life. He received his education at the common schools and at Franklin College, Indiana, attending the latter up to his senior year, and left Franklin College to enter the University of Indiana, where he completed his education and graduated July 3, 1862. During his college days, and even prior to them, he supported himself by teaching school, having opened his first school on December 1, 1856, the day he was sixteen years old. From the work done in those days, it is reasonable to assume, that had not his heart been set on another profession, he would have made a name as an educator, for at the age of nineteen he was principal of Manchester Academy, Manchester, Indiana, and during 1862–3 was principal of the Lawrenceburg graded schools of the town of that name.

When his other duties permitted, he prosecuted his legal studies in the office of James T. Brown, at Lawrenceburg, Indiana, and passed his examination and was licensed to practice May 19, 1863. He was too ambitious to sit in his office and wait for the growth of business, which is the main difficulty of the beginning in law practice. No time hung idly on his hands, for when clients did not demand it in legal service, he employed it in other channels. He secured the Lawrenceburg "Register," a Democratic paper, and published

and edited it during the Presidential campaign of 1864 — one of the fiercest and most exciting in American political history. During this same year he secured the appointment as Deputy Treasurer of Dearborn County, Indiana, acting as such during 1864–65. In 1864 he was likewise made County School Examiner of Dearborn County, serving as such during 1864–5–6. The decade in his life from 1856 to 1866, as the foregoing will show, was a period filled with quick and moving activities, and as student, principal teacher, law student in chambers, Deputy Treasurer, County School Examiner, editor and lawyer—these moving phases of his life, crowded close together and often over-lapping, served vividly to illustrate his industry, resourcefulness and versatility.

Although he was forging to the front in his native county, the new and boundless West was a land which fancy painted with the most rosy possibilities, and he determined to explore them. In the spring of 1866 he resigned the office of School Examiner, and in May reached Harrisonville, which has since been the scene of his labors, excepting the years 1886–8, when he was a resident of St. Louis and a member of the law firm of Torrey & Givan. The law not occupying his time fully after he went to Harrisonville, he established and published for some time a newspaper, which was the first Democratic paper published in Harrisonville after the war. Acting on the almost unanimous initiative of the bar, he became a candidate in 1877 for Judge of the Seventh Judicial Circuit, was re-elected in 1880 and served until November, 1886, when he resigned to remove to St. Louis. As Judge he was the first to sustain the constitutionality of the "back tax laws" of 1877, after they had been pronounced unconstitutional by other Circuit Judges. Another noted decision of his sustained the validity of what was known as the "Cotty law," which had been otherwise decided by the Federal Courts, but was finally sustained by the Supreme Court of Missouri.

Judge Givan has been a conspicuous leader in all measures of a public nature contemplating the public welfare. He is interested in several local enterprises, and was the first President and one of the main promoters of Harrisonville's first railroad, then known as the St. Louis & Santa Fe, running from Holden, Missouri, to Paola, Kansas.

He is one of the "brightest" Masons in the State. He has been a member of that fraternity since he was twenty-one, and has received about all the official honors of that body. He is also a prominent Knight of Honor, has been Grand Dictator of that body, and has acted as representative from Missouri to the Supreme Lodge. He is and always has been a Democrat, was a delegate from Missouri to the New York Convention which nominated Seymour for President in 1868 and has served his party in many ways.

August 7, 1862, Judge Givan was married to Lizzie C. Jackson, a sister of Rev. H. G. Jackson, D.D., of Chicago. Four children have been born to the union, but one of whom survives — Mabel G., now the wife of Charles E. Allen, of Harrisonville.

WALLER WASHINGTON GRAVES,

BUTLER.

ONE of the most promising and popular lawyers of that section of the State known as Southwest Missouri, is Waller Washington Graves, of Butler. He is a native Missourian; born in Lafayette County, December 17, 1860. His father, Abram L. Graves, was a prosperous farmer of that county, but afterwards moved to Bates County. He was

left an orphan at a tender age and was reared by his grandfather, Abram Larsh, one of the earliest pioneers of Lafayette County. The Larshes came from Maryland and was a family known as old residents of that State at the time of the Revolution. The Graves family were mostly from North Carolina, and were owners and cultivators of large cotton plantations in ante-bellum days. Mr. Graves' mother was Martha E. Pollard, a native of Kentucky, but chiefly reared in Missouri, whose parents, although they came to this State from Kentucky, were of Virginian origin. Her mother was a Waller and her ancestors were nearly all people who were among the colonists of this country, and many of them with their flint-locks helped found the republic in the War of the Revolution.

The subject of this sketch was educated in the public schools of Lafayette County. His father, though a good liver, had a large family dependent upon him and could not afford his son the advantages his education required. Mr. Graves has often said that the most impressive schooling of his early years was when, as a barefooted boy, he drove a mule team with the construction gang on the C. & A. Railroad. There he gained that sturdy character and self-reliance which has stood him in such good stead in his later forensic battles. After completing the prescribed course in the public schools, he spent two years at the University of Missouri, at Columbia. He then taught school and studied law at nights and during vacations.

After serving an apprenticeship in the law office of Parkinson & Abernathy, two of the best lawyers of that section of the State, he was admitted to practice by the Circuit Court at Butler, in 1885. He at once entered into partnership with his preceptor, Judge Parkinson, which partnership continued until 1893, when it was dissolved by the senior partner's removal to Kansas City, and the firm of Graves & Clark was formed, consisting of the subject of this biography and Harvey C. Clark, now a son-in-law of Congressman DeArmond, of Butler. This is recognized by the people as the coming legal firm of that section of the State.

Governor Marmaduke appointed Mr. Graves School Commissioner of Bates County to fill a vacancy, and the end of his term he was elected to the same office by a handsome majority, and during his succeeding administration gave splendid satisfaction. Through beginning reform at the top, he brought the schools of the county to a high grade of efficiency, not assuming the attitude that his office was largely honorary, as is too often the case with this position, but realizing its responsibilities fully, and bringing to bear his fine executive talent in the discharge of his duties. He served as City Attorney for Butler from 1890 to 1892.

Mr. Graves is a member of the Ancient Order of United Workmen, the Knights of Pythias and stands high in the Masonic fraternity.

He was married at Butler, June 30, 1892, to Miss Alice Ludwick, an educated, highly accomplished and amiable lady, daughter of John L. Ludwick, of splendid German ancestry and one of the first settlers of Bates County. To this union, one child, a boy, was born, July 8, 1893. Ludwick is a bright, manly little fellow of five summers.

Mr. Graves is one of Butler's most patriotic and enterprising citizens. Seldom is any plan instituted for the benefit of his town with which he is not identified. His progressiveness follows a course of the widest civic patriotism, in which there is no alloy of special self interest, as is too often true of enterprises intended to benefit the community. The same distinction applies to his connection with politics, in which he engages solely because of his interests in and desire of good government. Although a lifelong and ardent Demo-



W. W. Graves

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crat, he lets it be known that he is not an office seeker, and the only ambition cherished by him is that of ranking high as a lawyer. He is a leader of his party, and is always willing to give his services to the cause, on the stump or in council.

Those who know him do not wonder that he is so thoroughly *en rapport* with the work of his profession, for he has been eminently fitted therefor, both by nature and training. Tall and large, handsome, of commanding presence, with a rich, full and strong voice, which has been highly cultivated, ready of speech and with an ample fund of words on which to draw, it is no exaggeration to state that he is one of the most pleasing, logical and convincing speakers among the lawyers of Missouri. In presenting a case to court or jury his arguments are always strong, forcible and clear, abounding in concise statements and logical reasoning. As a counsellor his judgment may always be depended upon, and he is noted for his ready tact in the trial of a case. One of his strongest points is his thorough preparation in all cases that he undertakes, and as a result he knows the strength and weakness of both sides of the contention, and thus he is always ready for any eventuality. In the trial of a case he never takes extensive notes, but is possessed of the rare faculty of remembering the evidence in detail of all witnesses, their bearing on the stand, etc., and months afterwards can readily call it to mind. This alone makes him formidable, as always being ready to take advantage of any discrepancies or conflicting statements. He is an expert technician and abounds with ready references, precedents and decisions; in fact he treats his profession as a technical science. The case that is so poor it has to depend upon the ability of the lawyer rather than evidence is fortunate if Mr. Graves appears in its behalf.

He has appeared as counsel in many of the important trials of that part of the State, but one worthy of special mention was the case of the State ex rel. versus Hostetter. This case was interesting because it was to determine for the first time the right of a woman to hold office in Missouri. Mr. Graves appeared for Maggie B. Wheeler, who had been elected County Clerk of St. Clair County, Missouri. The office was refused her on the ground that under our statutory and constitutional provisions, women could not hold office in this State. Mr. Graves took the case before the Supreme Court, which not only sustained his position and gave the office to Mrs. Wheeler, but accorded him a high compliment on his brief and the method of its preparation.

As Mr. Graves is a young man, is eloquent, gifted and popular, it is not too much to assume that his reputation will widen and increase year by year.*

THOMAS HACKNEY,

CARTHAGE.

OF Scotch and Irish ancestry, Thomas Hackney is naturally robust both in mind and body, and this sturdiness exhibits itself at many points in his professional career. He was born December 11, 1861, in Giles County, Tennessee. His father, Edward Jones Hackney, married Frances Josephine Langham, that being his mother's maiden name. The original Hackneys settled in North Carolina and afterwards emigrated to Tennessee, while the Langhams are an old Tennessee family.

* Since the above was written, Mr. Graves has loomed up as available timber for the Supreme Court, and his appointment to the present vacancy on the bench is being urged by Southwest Missouri.

In youth Thomas Hackney was not so well provided with chances as gifted with persistency. He proved this when as an orphan boy living on an Illinois farm he developed the ambition to become a lawyer, and made the necessary amount of money to pay for his legal tuition by teaching school in the rural districts of Southeast Missouri. He was educated at the Southern Illinois Normal University and the University of Missouri, obtaining as thorough an education as those celebrated colleges could afford. Settling for a time in Keytesville, Missouri, he began the study of law with Hon. W. W. Rucker and afterwards pursued his course in various other offices in that section, finishing in the office of A. L. Thomas, at Carthage, Missouri, and being there admitted to the bar in September, 1886. Immediately upon his admission, he became the partner of Mr. Thomas, under the firm name of Thomas & Hackney, and they are still connected, Mr. Hackney owning a half interest in the business and being one of the most successful lawyers in Jasper County, with a practice enviably large and lucrative.

It would be safe to say that Mr. Hackney is not only a lawyer of the higher class, but also one whose native talents will enable him to continually climb still higher. Self-made men are more rare in these days of facility and convenience than in the rugged time of the pioneers, but Mr. Hackney has certainly himself to thank entirely for the position he has reached in life. He seems to be naturally gifted with progressiveness and energy, and he has never had a hard struggle that he has not entered into and come out of with enjoyment and profit. In fact, the harder the task set before him the better he is pleased and the more brightly his native genius shines out in consequence. He is not yet beyond thirty-six years of age, but he has attained in the past eleven years a place which many of the older brethren of the bar have not as yet reached. The reason for this can be found in the faculty he has of being exclusively a lawyer, and being that to the fullest extent, he never having entered the field of politics, although several times urged thereto by appreciative fellow-citizens. However, he approached once to the verge of a political career, the event being the battle between Webb City and Carthage over a county court house. Carthage won, and one of the reasons for this victory lies in the fact that Mr. Hackney was a leader on the side of Carthage and opposed to Webb City. In this fight he was a host in himself, being as indefatigable as he was wise and resourceful. More largely to him than any other man, perhaps, is Carthage indebted for the existence there to-day of one of the most expensive, beautiful and well-ordered court houses in Missouri. Many other instances could be cited illustrating the public spirit of Mr. Hackney, all being attributable to his natural desire for improvement in the community and the welfare of the people, but in this brief sketch that enumeration would reach an uncommon and unnecessary length. Still it would be well to refer to him here as a model citizen who has never failed to obey the call to duty.

In the ranks of Masonry he has done high and most honorable service, having held the office of Royal Arch High Priest of Carthage Chapter, No. 61, and as a Knight Templar having held nearly all of the subordinate positions in that branch of Masonry. He is a Democrat, and in his politics he exercises the same energy and vigor observable in his legal practice. Political struggles in Jasper County, whether National, State or local, would not seem natural unless Thomas Hackney's voice were heard and his influence felt, but it is always as a private and unprejudiced citizen that he enters the arena, and perhaps it is for that reason that he has achieved more success in carrying his point than if he were a professional statesman. There can be no doubt of his ability to grasp a public



Thos. MacKay

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question in all its details very readily and to present it to his fellow-citizens in all its varicolored lights, like the facets of a prism bringing into particular prominence the right and bright side.

The marriage of Mr. Hackney occurred May 8, 1888, at Carthage, Missouri, when he wedded Addie K. Newell. By this union they have one child, a boy, Earl Newell Hackney. Mrs. Hackney is the daughter of a prosperous merchant of Carthage.

FRANK HAGERMAN,

KANSAS CITY.

BY the concensus of opinion of his professional brethren, there is in Frank Hagerman all the elements of the thorough lawyer. Devoted to his profession, and following the law with a love unbroken by outward events and considerations, he has reached his present prestige by that absorption in his work which leaves no room for self-consciousness. So have men in all lines of human effort reached the higher levels and the best effects. Fame and success do not come so much from striving after them, as through an absorbing devotion to the work that is allotted to one to do, that excludes all things but that.

Mr. Hagerman studied law and was admitted to the bar at Keokuk, Iowa, in July, 1876. He also received his general education there, attending the public schools and graduating June 5, 1874. Although reared in Iowa he is a native Missourian, having been born in Clark County, April 27, 1857. He was but nineteen years old at the time of his admission to the bar.

Upon the appointment of the late Judge McCrary as United States Circuit Judge, Mr. Hagerman became a member of the firm from which the Judge retired. On December 1, 1887, Mr. Hagerman removed to Kansas City and became a member of the firm of Pratt, McCrary, Ferry & Hagerman. This partnership existed until the death of Judge McCrary when the firm became Pratt, Ferry & Hagerman, and so continued until September 1, 1896. Since that time Mr. Hagerman has practiced alone.

Mr. Hagerman is a man of great energy, and industry is one of his notable characteristics. His judgment, especially on a proposition of law, is seldom at fault. He has been a student of his profession, and therefore knows its many intricacies and turnings which only can be well understood by the one willing to devote great energy and mental power to its unravelling. He has sharply defined political opinions, and maintains a most lively interest in public affairs, but he is more of a political altruist than a politician in the usual acceptation of the word, and has never held but one political office — that of City Attorney of Keokuk. He is exceptionally popular and has a very extensive acquaintance in the western part of the State, notwithstanding the fact that his application to his profession is unremitting.

During his eleven years' residence in Kansas City he has advanced very rapidly. He was one of the five original receivers of the Lombard Investment Company, a concern whose business affairs were as extensive as diverse in character. Afterward he was the sole receiver, and it was owing largely to his legal and business talent that its affairs were wound up in such good shape. His skill as a lawyer has long since attracted the attention of the big corporations who are always on the watch for the highest order of legal

ability, and therefore much of his professional labor is now of a corporation character. Mr. Hagerman excels as a trial lawyer. As such he is seen in his best legal aspect.

He is a brother of James Hagerman, of St. Louis, at this time General Solicitor of the Missouri, Kansas & Texas Railroad.

JOHN BLACKWELL HALE,

CARROLLTON.

THE fame of Col. John Blackwell Hale as a lawyer has grown with the years and spread far beyond the town wherein he lives. To be a Missourian and not to know Colonel Hale is to argue yourself unknown. He is a leader of men, a publicist and and man of affairs, and one of the State's distinguished citizens.

The name Hale is perhaps of English origin. Leastway, it comes from one of the Three Kingdoms, so called, whose people have carried the luminous banner of human liberty ever at the front of the advancing column of progress, and have furnished America much of her bone and brain and sinew. However, the Hales planted the name on the shores of Maryland in the early dawn of American history, and there grew to be one of the powerful and influential families of the commonwealth. Colonel Hale's father, Rev. John Hale, was a Presbyterian minister, who died in 1838, when his son was seven years old. His mother was, before marriage, Mary E. Blackwell, who survived her husband many years. She was a daughter of Joseph Blackwell, of Virginia, a patriot and a man of much force of character, as were most of the Blackwells, who for many generations have been a prominent and influential Virginian family. Joseph Blackwell was a Captain of a Virginia Company in the War of the Revolution, under Washington. Colonel Hale, whose middle name commemorates his descent from this family, was born February 27, 1831, in Hancock County, in what is now known as West Virginia.

When Colonel Hale was ten years old, his mother being a widow, decided to remove to Missouri, she desiring to get nearer her relatives. The trip was made in 1841, and the family settled in Carroll County, where two of Mrs. Hale's brothers lived. The subject of this sketch grew to manhood in that county, there received his education, and there has spent his life up to the present time, growing in the esteem of its people as he grew older. When the time came for him to choose a calling in life, he decided to become a lawyer. The partners of the firm of Able & Stringfellow, then the two ablest lawyers of that time and section, knew and were favorably impressed with the young man, and agreed to allow him to enter their office at Brunswick, Missouri, as a student, for law colleges in that day were few and far between. After he completed his studies he returned to Carrollton to be admitted to the bar, in 1852, by Circuit Judge G. W. Brown. He at once entered the field and has practiced continuously at that place for a period of forty-five years, being for twenty years of the time associated with that skillful and eminent lawyer, Capt. William M. Eads.

When the war broke out, the young lawyer espoused the cause of the Union. He joined the Sixty-fifth Regiment of Missouri Militia, and was elected its Colonel. Later he became Colonel of the Fourth Provisional Regiment of Missouri Militia, and served three years in the field, comporting himself under every circumstance as a brave and valiant soldier.

Even before the war, Colonel Hale had begun to rise in the estimation of his fellowmen, being endowed in an extraordinary degree with the talent of a leader and skill as a shaper of events. But notwithstanding his popularity and his long and unblemished career, he has never been a politician in the general acceptation of the term. For almost half a century he has been an influence in shaping the affairs of State and Nation, and yet has held few offices that were not wholly honorary. Positions of high responsibility and trust of this nature have been confered on him constantly during the many years he has been before the public, and such honors demonstrate conclusively that he could have had almost any office or emolument for the asking, but his devotion to his law practice would not permit acceptance. In 1856 he was elected to the Missouri Legislature, and that may fairly be considered the beginning of his career as a publicist. Since then he has been one of Missouri's delegates to four National Conventions, and has twice served as Presidential Elector, once as Legislator and once as Congressman. Up to 1886 he was a Democrat, but in that year became a Republican, and is now one of the State leaders of that party.

In 1860 Colonel Hale served as one of the Electors on the Douglas ticket, and in 1864 was a delegate to the National Democratic Convention at Chicago, and four years later, 1868, was a delegate to the National Convention of the same party which met in New York City. In 1872 he was a Greeley and Brown Elector, and in 1875 was a member of the State Convention which formulated the Constitution of that year. In 1884 he was nominated by the Democracy as its candidate to Congress to represent what was then the Second District. He was elected by a good majority and served in the Forty-ninth Congress. When changing policies and opinions brought Colonel Hale into the ranks of the Republican party in 1886, he was hailed as a distinguished and valuable convert to its theories. Its leaders insisted on him making the race for Congress as his own successor. He consented, and made an energetic canvass, although he knew the district to be overwhelmingly Democratic; but he made a splendid showing on election day, notwithstanding his opponent, Charles H. Mansur, was elected. In 1892 he was a delegate to the National Republican Convention at Minneapolis, which nominated Harrison, and in 1896 was one of that party's Presidential Electors. For months before the meeting of the Republicans of the State at Springfield in the year last named, Colonel Hale was talked of throughout the State as the candidate for Governor. Many powerful members of the party urged him to make the race, but he positively declined.

In all his public career, requiring a firm stand in matters where opinions conflicted, and in the bitterness of partisan politics, Colonel Hale has made friends among men of all shades of opinion and has retained the respect and confidence of the people. He has appeared as counsel in a number of the cases of first importance in the civil jurisprudence of Missouri, and is now engaged in a practice which consumes his entire time. He is a skillful tactician in legal contests, and his broad knowledge of mankind enables him to succeed where many men would fail. His command of language is extensive and his eloquence is of a kind to almost persuade a jury against its will. In his intercourse with his fellowman he is genial, always courteous and his good nature is unfailing. He realizes that this is the age of intelligence; he knows the power of mind over matter and is therefore a

diplomat. But this is only a biographical sketch; the full history of such a man as Colonel Hale cannot be written until he is dead; such men live every moment of the time allotted them and they daily make history.

On January 6, 1859, Colonel Hale was married to Mary E. Cosby, a beautiful and estimable young lady of Carrollton. They have a most interesting family of six sons and one daughter — all grown. The two oldest sons are married.

WILLARD PREBLE HALL,

SAINT JOSEPH.

JUDGE WILLARD PREBLE HALL, of St. Joseph, comes of a family distinguished in the history of Missouri, a family whose men have been noted for their high legal talents and their capacity for leadership and ability to mould public opinion. Among that coterie of older Missouri lawyers, respecting whom interesting facts will be found elsewhere in this volume, both Willard Preble Hall and his brother, William A. Hall, were two of the shining intellectual lights. Both left sons, who inherited the full share of the family legal genius and ability, and these are to-day prominent in the affairs of this State and an honor to its bar. Of the contemporary representatives of the family, our subject is perhaps one of the best known, and one too who has attained as fair a legal reputation as is the possession of any lawyer of his age in Missouri.

He is the son of Gov. Willard Preble Hall, who for many years was respected and admired for his noble qualities of mind and heart, and who was a distinguished lawyer who wrought a leading part in the development of this imperial State. The earliest record of the Hall family in America dates back to about twelve years subsequent to the landing of the Mayflower. In 1634, a family consisting of a widow and several sons settled at Medford, Massachusetts. From one of these sons who married a daughter of Simon Willard, the subject of this memoir is descended. Simon Willard settled in Massachusetts about the same time as the Halls, who have kept alive a memory of the union of the two families by bestowing his surname as the given name of many of the descendants of this pioneer ancestor of the Hall family. The great grandfather of our subject was Stephen Hall, at one time a tutor at Harvard College, and who afterward married Mary Holt, a widow, daughter of Deacon Cotton, of Portland, Maine, where Stephen Hall lived after his marriage. His son, John Hall, was a mechanic and a man of high natural gifts. He was an inventor and conceived many ideas of great utility and value. For many years he was Superintendent of the Government Armory at Harper's Ferry, and unjust though it appears, the many useful things conceived by his creative mind brought him no pecuniary remuneration. Being an employe of the Government, that Government would issue him no patents. Perhaps the most valuable and important of all these inventions was the breech loading gun, Hall's carbine being the first gun ever made that embodied this principle. He married Statira Preble, of Portland, Maine, a daughter of Isaiah Preble and a sister of William Pitt Preble. Willard Preble Hall, the son of John Hall, and father of our subject, graduated at Yale College in 1839, and came to Missouri in 1840. The emigration to the West was made largely because the health of the head of the family had failed, and the sons believed their prospects would be brighter in the new community than in the old. The family settled in Randolph County. In this State the young law graduate



Willard P. Hall

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of Yale met and married Anne Richardson, the mother of the present Judge Willard P. She was the daughter of Maj. W. P. Richardson, who came from Kentucky to Missouri late in the 'thirties, and subsequently became a noted figure as a Whig politician. He was at one time Indian Agent at a post in Kansas, and played a conspicuous part in the period of truculency and bloodshed known in history as the "Border War of Missouri and Kansas."

Judge Willard P. Hall, with whom this sketch has to do, was born at St. Joseph, Missouri, September 19, 1851. After the rudimentary basis was laid, he received his education in the St. Joseph high school. From there he went East, and entered Yale, where he continued till the end of the junior year; then returning home he at once began the study of law in his father's office, and having made considerable progress in that line prior to that time, he was able to pass his examination and secure admission to the bar in the fall of 1872. He was first associated with Judge O. M. Spencer, then H. K. White became an associate, and the firm was changed to White, Spencer & Hall. Next Judge Hall associated with Vinton Pike under the firm style of Hall & Pike. On the dissolution of this firm a partnership was entered into with B. J. Woodson, which is still existing.

The only public places Judge Hall has ever accepted have either been in direct line with his profession or wholly honorary. The first office held by him was that of City Attorney of St. Joseph, to which he was elected in 1876. At the end of his term, in 1878, he was elected Prosecuting Attorney of Buchanan County. These two places served to demonstrate that the legal mantle of the father had fallen on the shoulders of the son, and accordingly in 1885 he was invested with the high responsibilities and dignities of Judge of the Kansas City Court of Appeals, in which position he served with honor to his profession and State until 1889. Since the expiration of his term he has closely devoted his attention to his law practice, with the result that he has one of the best clienteles in Northwest Missouri. In 1889 Yale conferred upon Judge Hall the degree of Master of Arts.

Of recent years Judge Hall has manifested a deep interest in political affairs, though not with personal advantages in view. In the campaign of 1896 he was a State leader of the National Democratic forces and one of the most powerful advocates of that view of the question. He was a delegate to the Indianapolis Convention that nominated Palmer and Buckner, as well as to the State Convention that nominated Trimble for Governor.

June 22, 1876, Judge Hall was married at Philadelphia, Pennsylvania, to Isabel Fry Alrich, daughter of William T. Alrich. The Alriches are a Delaware family, having come from Holland and settled in that State prior to the Revolution. To this marriage have been born three children, two of whom survive: Anne Richardson, a daughter, and Preble, a son.

JOHN WILLIAM HALLIBURTON,

CARTHAGE.

THE name Halliburton is Scotch, and from that land of supremely canny and thrifty folk, the name was brought to America by two brothers at a time prior to the rebellion of the Colonies against the tyranny of the mother country. The brothers from some cause chose widely separated places of settlement, as one located in New York and the other in North Carolina. From the North Carolina branch sprang the Missouri family, which was planted in this State early in its history by the grandfather of the subject of

this biography. The latter is the son of Hon. Westley and Armilda E. (Collins) Halliburton, and was born at Linneus, Linn County, Missouri, December 30, 1846. His father, Hon. Westley Halliburton, was a man of fine intellect and character, and he was one of the ablest lawyers and jurists of Northern Missouri, and for many years was one of the State's most influential Democratic leaders. He held many honors at the hands of the people, and many offices of responsibility and trust, judicial and political. While a resident of Macon County he served as County Judge and as Prosecuting Attorney between the years 1844 and 1852. He was then made Receiver of the United States Land Office at Milan, Sullivan County, and removed to that place. He was elected to represent Sullivan County in the Legislature, and served in the same capacity afterward from Linn. In 1856 he was elected State Senator from that district, serving as such until 1860. In 1875 he was sent as a delegate to the State Constitutional Convention and took a conspicuous part in the proceedings of that body. He was elected State Senator from his district in 1880, serving a term of four years. He continued as one of the most vigorous leaders of his party up to the time of his death, June 16, 1890. The Collinses, the cognate branch of Mr. Halliburton's family, were people who were among the colonists of America. On this, as well as on the paternal side, all of our subject's ancestors who lived in that day were soldiers in the American Revolution.

Our subject's education was acquired at the public schools of Linn and Sullivan Counties and Mount Pleasant College, at Huntsville, Missouri. He began the study of law with James M. De France, at Kirksville, and left there to enter the St. Louis Law School, taking the junior course in the winter of 1868–69. He was admitted to practice at St. Louis in April, 1869, without examination, the Circuit Judge accepting the assurance of Judge E. B. Ewing as to the young aspirant's efficiency as sufficient.

Armed with his license, he returned to Kirksville and began practice there in the year last named. He remained there five years, and then located at Milan, where he remained until 1877, in which year he went to Carthage, where he has been for the past twenty years, a member of the firm of McReynolds & Halliburton.

October 16, 1878, the year following his location at Carthage, he returned to Kirksville to marry the lady whose plighted troth he carried with him when he left that town. She was Julia B. Ivie, a handsome and accomplished young lady of Kirksville. Mr. and Mrs. Halliburton have three living children, named respectively, Westley, John Joseph and Louise. The elder son, Westley, is now a student of the State University.

When the Civil War ended Mr. Halliburton was yet in his "teens," but he saw experience as a soldier in that great struggle, nevertheless. His sympathies were intensely Southern, and, accordingly when Gen. Sterling Price entered Missouri on his last raid in the early autumn of 1864, he joined him, remaining until the close of the war in the Confederate service. At the present time he is Judge Advocate of the Second Regiment, National Guards of Missouri.

Mr. Halliburton has served as City Attorney of Carthage, but further than that he has not consented to act as an official, having no aspirations to enter public life. He belongs to three fraternal orders, namely, the Odd Fellows, Royal Arcanum and Knights of Pythias. In politics he is a straight Democrat, and his interest in politics is solely

that of a citizen seeking good government and the general welfare of the many. But Mr. Halliburton is above and beyond all else a lawyer. In the law is his whole ambition, and like all men of strength who have devoted their whole energies to a single result, he has achieved a success that places him in the front rank of his profession.

WILLIAM DECATUR HAMILTON,

GALLATIN.

WILLIAM DECATUR HAMILTON, one of the skillful criminal lawyers of Northwest Missouri, is a native of this State and comes of ancestors who are among Missouri's oldest pioneers. His father is perhaps the oldest native Missourian living in the State, having been born in 1818. The subject of this biography was born at Doe Run, St. Francois County, November 2, 1849, and is the son of William Decatur and Amanda Jane Hamilton. The father, a Baptist preacher, was also born in that county, in 1818, as above noted, three years before Missouri had become a State. He still lives on the old home place in St. Francois, and for one who has seen eight decades of time add themselves to each other, he is remarkably strong and vigorous. His father, James Hamilton, was a native of Pendleton, South Carolina, and married Elizabeth Matkin, a native of Georgia. The couple in the course of time decided to seek a home in the great Western wilderness, and after months of travel through sparsely peopled settlements and Indian-haunted forests, finally, in 1817, reached St. Francois County, Missouri. James Hamilton was not permitted to remain long a resident of his new home, as in the same year of his settlement and before his son's birth, he died.

The maternal branch of Mr. Hamilton's ancestral tree has likewise long been identified with Southeast Missouri. His grandfather, James V. Brown, was of Scotch origin, was born in Morgan County, Kentucky, there married Mary Warthen, of English blood, but a native of the same county. On beginning life together they sought a home in Madison County, Missouri, at a date not recorded, but which could not have been many years distant from the time the Hamiltons settled in the contiguous northern county. There their daughter Amanda Jane was born, and there married William D. Hamilton and became the mother of our subject, who is the second son, and one of six children born of said marriage—four sons and two daughters, their names being as follows: John W., William D., James V., Elisha M., Mary E. and Mahala.

Our subject was reared on the farm in St. Francois County. He attended the common school, and when far enough advanced, entered Elmwood Academy, at Farmington, the chief town of his native county. When seventeen years old he struck out into the world for himself, actuated by the commendable purpose to obtain a higher education in spite of every obstacle. This was in 1868, and in that year he worked on a farm for a short time, in Johnson County, Missouri, where he had temporarily located. He attended the public schools whenever the necessity of earning a living could be placed in abeyance for a time. Even prior to leaving home he was ambitious to become a lawyer, and for some time had been working to the accomplishment of that purpose. He became a student at the State Normal School, at Warrensburg, and afterward qualified as a school teacher. In 1870 he entered the office of Orr & Williams, at Holden, Johnson County, and began the study of law, continuing his teaching of winters to enable him to spend the summers as a student.

He was with this firm until it dissolved, and after that occupied the office of the senior member, J. P. Orr, until his admission to the bar at Warrensburg, in 1872.

Although competent to pass an examination, as his admission proved, he was ambitious to become still better versed in the law's theories, but his circumstances were such as to compel him to turn his attention at once to some method of earning a living. The late Governor Crittenden and Col. Wells H. Blodgett, now General Solicitor of the Wabash, but then a resident of Warrensburg, had observed the young man's ardent struggles and noble determination to forge to the front, and believing such laudable purpose should be seconded, they secured for him a free scholarship, admitting him to the St. Louis Law School. He attended this institution throughout the term of 1872–3, and came out with a splendid technical education.

Mr. Hamilton then located in Daviess County, where he taught school for about a year in order to secure "the sinews of war" to "overcome the inertia of a legal beginning." Then he established himself in Gallatin, county seat of Daviess, and since he opened an office in February, 1875, has there engaged actively in practice. In 1878 he was appointed City Attorney of Gallatin, was his own successor in 1878–80 and 1881, serving altogether four terms in that office. In 1882 he was elected Prosecuting Attorney, and in 1884 he was re-elected, and since the expiration of his term in 1886 has successfully engaged in general practice. While acting as an officer of the State, he was one of the prosecutors of the notorious bandit, Frank James. Some of the most gifted lawyers of the West were engaged as counsel in that case, among whom was Judge John F. Philips and ex-Governor Charles P. Johnson, and in all respects the young Prosecuting Attorney showed himself of a mental stature great enough to compete with the legal giants who opposed him. During his second term he figured in another *cause celebre*, acting as the prosecutor of Jo Jump and John Smith, for the murder of W. E. Gladson. They were convicted and duly hanged in 1885, this being the first and only execution that has ever occurred in Daviess County. These cases gave the public an idea of the young attorney's exceptional ability as a criminal lawyer, and since then he has appeared as counsel in almost every criminal case of importance tried in that section. He has defended a number of clients accused of capital crimes, and has never yet had a client convicted.

Mr. Hamilton is a lifelong Democrat, having cast his first vote for Samuel J. Tilden, and in 1896 he was placed on the Democratic ticket as Presidential Elector for the Third District.

A natural predilection for the law, quick perception, broad comprehension, combined with a great capacity for study and hard work, has developed, in William D. Hamilton, one of the brightest lawyers in Northwest Missouri. His time when not engaged in actual trial, is principally spent with his books. Between courts, he permits things to drift along in an indifferent sort of way, doing work only as the spirit moves him, but as the session approaches, he begins like the race horse working on the track, to "go a little of mornings," each day increasing in speed and strength, until, when court opens, witnesses are subpœnaed, instructions prepared, and he is ready for trial in every case on the docket in which he is engaged.

In the court room he is quiet and unostentatious, and except when aroused in trial has a seemingly indifferent appearance. He addresses the court in a low tone and with simple directness. His speeches to the jury are pointed, illustrated with occasional anecdote, presenting the facts in a straightforward and logical manner. His style is of the pungent

order, clear and incisive. It is in cross-examination that he shines the brightest. With rifle-like precision he drives to the salient point, and with the "cute" witness he inserts the knife of his keen wit to the hilt, and turns it around without mercy. His instructions, always prepared before trial, are models of accuracy and clean cut law. A man of perfect integrity, he despises anything smacking of sharp practice or dishonesty. Of the highest sort of personal courage, he fights for his clients with fierceness and adroitness, yet in his nature he is as tender-hearted as a child.

Such is an outline of the career of one of the representative members of Missouri's bar, a career that is successful, although it has only begun. It is that of a man who has created his own success, and should be an inspiration and encouragement to every young man ambitious to succeed, but without the talisman of money to open the door of preferment.

April 7, 1885, Mr. Hamilton was married to Miss Minnie Miller. The union has been blessed by two children, both bright and interesting girls. May is eleven years old and Genevieve nine.

CHARLES HAMMOND,

BRUNSWICK.

THE late Charles Hammond, of Brunswick, was born March 5, 1836, in Brooke County, Virginia (now West Virginia). His father, Talbott Hammond, was a successful farmer and wool grower of Virginia, and a citizen of standing and influence in the county where he was born and spent his life. He died in 1871 at seventy-one years of age. His wife, who was Hannah Collins, survived her husband a number of years, dying at the advanced age of eighty-six. The Hammonds are of English origin, but came to America at a very early day, making a settlement in Maryland. In the spring of 1789, George Hammond, who was the grandfather of Charles Hammond, of Brunswick, concluded to seek a home in a country newer and less developed than Maryland, and therefore removed with his family to Virginia, settling on a tract of land in Brooke County about five miles east of Wellsburg. That part of Virginia was then on the frontier, and on the farm there opened up, Talbott Hammond spent his life and there his son, the subject of this sketch, was born and grew to manhood. George Hammond, the grandfather and pioneer, was the father of sixteen children, all of whom were educated at home by their parents, schools in that day being few and far between. The eldest of his eight sons, Charles Hammond, for whom the subject of this biography was named, was a man of splendid ability and distinguished as one of the most conspicuous figures in the politics of his time. He was a lawyer as well as editor, an eloquent orator, and a writer of thought and vigor. He was for many years editor of the Cincinnati Gazette, occupying that position at the time of his death in 1840. He was a power in the stirring politics of the early half of the century, was a staunch supporter of Washington and a personal friend and counselor of Henry Clay and other distinguished men of those times.

The subject of this biography received the rudiments of his education in the country schools near his home. When sufficiently advanced, he entered Lafayette College, at

Easton, Pennsylvania. This was in October, 1854, and he took the complete course, graduating in 1857. After receiving his diploma, he returned to his father's home in Virginia. Shortly after reaching his majority he selected the West as his field of operation. It was thus that he reached Chariton County in October, 1858, and there made his home until his death. Soon after arriving in Chariton County he secured a school, and at the end of the term began the study of law in the office of Maj. Thomas H. Price, of Brunswick, now of Mobile, Alabama. He was admitted to practice in June, 1860, at once opened for business in Brunswick, and has practiced continuously in that and adjoining counties ever since.

Mr. Hammond grew in the esteem of his neighbors almost from the day he settled among them, and throughout nearly forty years of practice they delighted to honor him. He was a member of that convention which contained the most able men and brilliant lawyers of the State and which met in 1875 and drafted the present Missouri Constitution. He had a thorough and deep knowledge of constitutional and general law and his accomplishments in that line were brought into strong relief in the sessions of that body, as well as those of the Legislature of 1877, of which he was also a member, and on which was placed the responsible duty of revising the laws to conform to the new Constitution. His legal experience and wisdom proved of the highest possible value to his colleagues in both bodies, as well as to the State.

Mr. Hammond's wife was Miss Pocahontas Cabell, to whom he was wedded September 6, 1860, and who survives him. Two living children are left to care of the mother: A son, Charles Cabell Hammond, now located at Salisbury, Missouri, and already one of the most promising members of the bar of North Missouri; and a daughter, now the wife of C. W. Bowman, of Kansas City. Mrs. Pocahontas Cabell–Hammond came of a very prominent family, being related both to the Monroes, of Virginia, and the Breckenridges, of Kentucky, and a brief resumé of her history may be deemed interesting here. Her father, Charles J. Cabell, one of Missouri's oldest pioneers, was born in Fayette County, Kentucky, in 1813 and died at Brunswick, Missouri, in 1882, aged seventy years. His father, Edward Blair Cabell, was of a family among the oldest in Virginia at the time of his birth. His mother was Harriot F. Monroe, a neice of President James Monroe. The sister of Mrs. Hammond's grandfather, Edward Blair Cabell, married a Breckenridge, of Kentucky, and became the mother of John Cabell Breckenridge, Vice-President of the United States. In the year 1818 Edward Blair Cabell emigrated to Missouri, settling at old Chariton, in Howard County. When the county of Chariton was organized, Edward Blair Cabell was appointed Clerk of the Circuit Court, a position he held for thirty years, or until within a few years of his death, which occurred in 1850. His son, Charles J., the father of Mrs. Hammond, was given such education as the times afforded, and was afterward sent to Kentucky where he entered Augusta College. He married in 1837, at Harrodburg, Kentucky, Susan B., daughter of Thomas Allin, Esq., Clerk of the Circuit Court of Mercer County, Kentucky. Returning to Missouri he studied law, but finding it unsuited to his tastes, became a surveyor, and as such moved to Louisiana. As his life covered the whole existence of Missouri as a State, his knowledge of her history from personal observation was thorough, and he delighted to talk for hours about the men and occurrences of other days.

Hon. Charles Hammond departed this life just as the old year 1897 died, and was consigned to the tomb as the year 1898 dawned. In his death the bar lost one of its ornaments and the people of Chariton County an upright, honorable and honored citizen.

JOSEPH FRANKLIN HARWOOD,

MAYSVILLE.

ONE of the worthy and influential citizens of DeKalb County and one of the most successful lawyers of Maysville, its county seat, is Joseph Franklin Harwood. He is a leading Republican of the northwestern part of the State and a lawyer whose talent merits the success he has won. He came to Clinton County just after the war, and his long residence in that section of the State has resulted in fixing him impregnably in the esteem and affection of the people among whom his life work has been laid.

In tracing both branches of Mr. Harwood's family, we find them rooted far back in American history. The Harwoods probably came to America with some of the earliest men of independent mind who could not brook the interference of European tyranny with their inalienable rights. They settled in Vermont, and when the Colonies rose in rebellion against Britain, Mr. Harwood's grandfather, one of the most active of patriots, entered the Continental Army, where he rose to the rank of Captain. Mr. Harwood's mother was Susan Whipple, and hers also was a pioneer family which had been long known and respected in Cattaraugus County, New York. His father, Rev. Nelson Harwood, was a minister of the Methodist Church. After a long and useful life, and after having acted as pastor of many churches in New York and Ohio, he has now retired from the ministry and lives at Winston, Daviess County, Missouri, where he peacefully and calmly awaits the call of the Master.

The subject of this sketch was born November 24, 1843, in Cattaraugus County, New York, where his father was then pastor of a church. While he was still a small boy, his father was transferred to Lorain County, Ohio. Educated in the common and high schools, young Harwood was eighteen when the war broke out. He was patriotic, and the drumbeat had not long sounded in the land, ere he determined to march to its mucic. He enlisted at Champaign City, Illinois, in 1861, joining Company G, Twenty-fifth Illinois Infantry, commanded by Captain Williams and Col. W. N. Coler. He served with this regiment up to the time of his discharge in the fall of 1863 owing to injuries received near Florence, Alabama. He was with Grant until after the battles of Fort Donelson and Fort Henry, was with Rosencrans on his march through Tennessee, Mississippi and Alabama, and then served under Thomas and Hooker until his discharge.

After his discharge the young soldier's law readings were begun under Judge O. L. Davis and W. I. Allen, of Vermillion County, Illinois, and finished at Cameron, Clinton County, after he had moved to Missouri. At the latter place, he studied under the guidance of the Hon. Philander P. Lucas, then Judge of the Fifth Judicial Circuit, who, when he was qualified, admitted him to the bar in January, 1868, at Liberty, in Clay County. The young lawyer opened an office in Cameron and at once began practice. He remained in Cameron for twenty years, and then, in 1886, removed to Maysville, the judicial seat of the adjoining county of DeKalb, where he has since resided.

Mr. Harwood has been frequently honored by the people of his section of the State, and his popularity is a guarantee that did he not subscribe to the principles of the minority party, he could hope to hold almost any office in the gift of his people. In 1868, the year he began practice, he was appointed by President Johnson's Secretary of the Treasury (Mr. McCulloch), Internal Revenue Collector for the counties of Clinton, Caldwell, Daviess and DeKalb, serving in that capacity until 1870. In 1884 he was the Republican candidate for Congress in the Third District, against the popular Dr. A. M. Dockery. As the district was Democratic by a majority of over 3,000, his candidacy involved only personal sacrifice and service in behalf of his party, whose benefits were only possible in the distant future and then would perhaps be reaped by somebody else. In 1886 he consented to again serve his party in the same disinterested way and was again defeated.

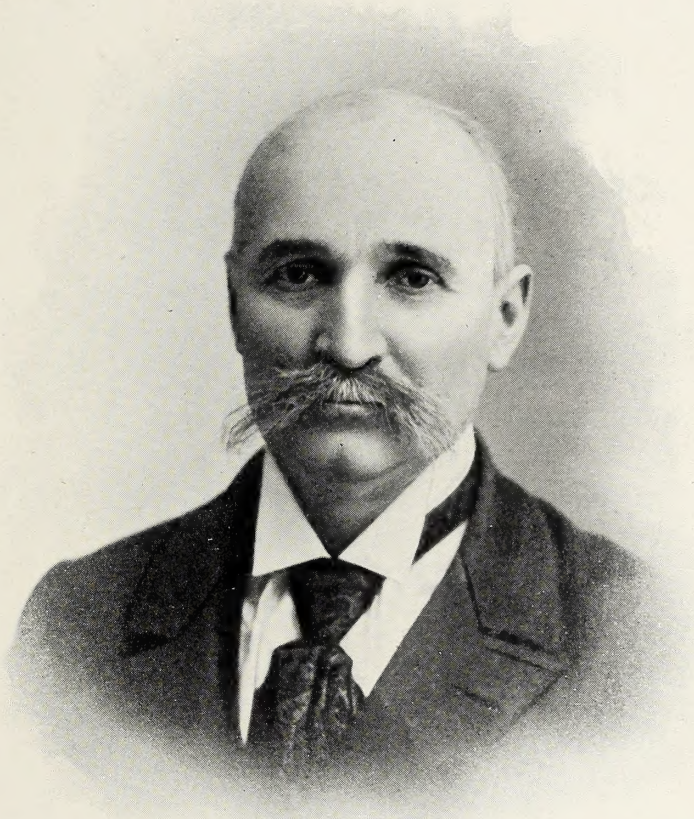
Mr. Harwood is a careful lawyer and one who brings to bear his fullest powers in his client's behalf. One of the interesting cases with which he has been connected was docketed as the State ex rel. Davis versus Rogers, 79 Missouri Reports, 283. Another case of importance — Hughes versus McDevitt — may be found in 102 Missouri Reports, 77. Mr. Harwood is an Odd Fellow and is a charter member of Diamond Cross Lodge of Cameron, Knights of Pythias. He is a charter member of Joe Hooker Post, G. A. R., at Cameron. On all questions concerning the old veterans of the late war his interest is without limit. He has always been an unbending Unionist and believes that those who accomplished the magnificent feat of the country's salvation should not be forgotten. Although his sentiments in this respect are strongly defined, there is in him none of that narrow proscriptiveness, which illiberally condemns all who may not agree with it. He is a frank and genial gentleman, and is a believer in the religion of the good things of this life. There is no pucker-mouthed Puritanism in his make up, but he is withal one whose poise and bearing strongly mark him as a man of natural dignity. He is a good conversationalist and an impressive speaker before an audience.

On September 13, 1864, shortly after his return from the army, Mr. Harwood was married in Warren County, Indiana, to Mary E., daughter of George Caldwell of that county, and an Indiana pioneer of Kentucky origin. Mrs. Harwood finished her education at Center College, of Danville, Kentucky, which is the alma mater of many statesmen and famous men. She has borne her husband two children — Irene, born September 8, 1875, and George, born in January, 1878, and now a student at Kirksville Normal School.

DAVID JACKSON HEASTON,

BETHANY.

OF German and English extraction and an Ohioan by birth, David Jackson Heaston naturally combines in his character industry, stability and enterprise. His father, Christian Heaston, who married Sarah Lasley, was born in Virginia, where he pursued the avocation of a farmer. Christian's father settled in Virginia before the War of the Revolution and was a soldier in the Continental Army under Col. William Morgan, of Virginia. He was also a farmer. He and his son emigrated to Ohio in 1805. In 1839 Christian removed to Indiana, and was one of the hardy pioneers of the Hoosier State. The forefathers of the Heaston family were Germans. The Lasleys are of English descent. Like



L. F. Atwood

the Heastons, they came to America previous to the Revolution. They settled later in Ohio, and were all tillers of the soil.

David Jackson Heaston was born May 22, 1835, in Champaign County, Ohio. Beginning in the common schools of Randolph County, Indiana, he next went through a thorough scholastic career in Asbury University, known to-day as De Pauw University of Indiana. He studied law in the office of Judge Jere Smith, of Winchester, Indiana, and was admitted to the bar in 1858, at Winchester, by Judge J. T. Elliott, who afterwards became Supreme Judge. Removing to Missouri in 1859, Mr. Heaston chose the beautiful town of Bethany, in Harrison County, as the scene of his future toils and triumphs, and there he has practiced law continuously for thirty-nine years. During this long period he has had but three partnerships. In 1859 and 1860 he was associated with Thomas J. Brady, afterwards of "Star Route" fame; in 1867 and 1868 with John C. Howel, afterwards Judge of that Circuit; and later, for three years, with Oscar Butler, who is now dead. Since 1884 Mr. Heaston has worked alone.

He has been much in politics since settling in Harrison County, but like all excellent lawyers, he does not feel at home away from the court. A test of the people's confidence came when they elected him Probate Judge of Harrison County, in 1861, for two years. As a lawyer Mr. Heaston has two valuable accessories — the dauntless integrity and the sturdy common sense he inherited from the old pioneers, and these are most solid attributes on which to build any career.

Mr. Heaston can look back on his political career with feelings of pride, because his honors came spontaneously and voluntarily. He was Presidential Elector in 1876, and assisted in casting Missouri's electoral vote for Tilden and Hendricks. He was elected to the State Senate in 1878 for four years, being a member of the Ways and Means Committee. During the first session, in 1879, he helped to revise the probate and administration laws of the State and the laws governing Justices of the Peace, and other portions of the statutes. He was Chairman of the Committee on Public Printing, and defeated the bill for the election of a Public Printer. He is a straight Democrat.

During the war he was not in active service, but when the Enrolled Militia of Harrison County were organized into a regiment, he was commissioned as Colonel, and served as Colonel of what was known as the Fifty-seventh Regiment of Enrolled Missouri Militia. The regiment was only called into active duty a few times in the summer, and their principal service was in guard duty along the railroads and river in Northwest Missouri.

Mr. Heaston is a bright star in the Masonic order. He was made a Master Mason in Indiana in 1857, and has passed through all the Masonic bodies up to and including that of Knight Templar. He has filled all the chairs, having been Master of Blue Lodge, High Priest of the Chapter and Eminent Commander of the Commandery. He has also been District Deputy Grand Master for several terms.

At Bethany, on January 17, 1861, he married Margaret E. Monson, daughter of Thomas Monson, a pioneer farmer of Harrison County. He has four children living — Kate, the wife of Edwin L. Dunn, of Oklahoma City, where he is Clerk of the United States Circuit Court; Leonard, a member of the milling firm of A. McClure & Co., of Bethany; George W., asssistant cashier of the Harrison County Bank, of Bethany, and Warren L., a bright young Bethany lawyer. For grandchildren he has two on the Heaston side and one in the Dunn family.

In his day Mr. Heaston has mastered many complicated and interesting cases. Here are four of his most important victories, as the records show: McCaul versus Kilpatrick, 46 Missouri, 434; Coomes versus Moore, 57 Missouri, 338; Bennett versus Shipley, 82 Missouri, 448; Russie versus Brazzell, 128 Missouri, 93.

ESCA WILLIARD HENRY,

GLASGOW.

THE lawyer who can gain a high position in the bar of his county before the age of twenty-six, must be gifted with ability above the ordinary. Esca Williard Henry, of Glasgow, Missouri, enjoys this unusual distinction. He was born at Boonsboro, Missouri, on June 8, 1872. The great grandfather of Mr. Henry on the paternal side was James Henry, an Irishman who gained some notability in Ireland's struggle for freedom during the stormy days that marked the close of the last century. While a student at college he and other Irish students read essays that favored the freeing of their native land. Arrests followed, and several students were executed. Young Henry escaped the doom intended for him, and marrying a Miss Law, they sailed to America, where he lived for a time in Pittsburg, Pennsylvania, afterwards emigrating to Ohio and settling in Columbiana. Here Mr. Henry's father, Michael Wesley Henry, was born. He taught school for a livelihood, and, coming to the young State of Missouri, located in Howard County, where he married Nancy Jane Hackley. It is interesting to trace the descent of Mr. Henry from Patrick Henry, the famous American orator and statesman. This ancestry comes through his father's side of the house. The mother of his paternal great grandfather, John Henry, was a sister of the mother of the great patriot. That is to say, the daring young Irish student of 1798 was a cousin of Patrick Henry. Nancy Jane Hackley, the mother of the subject of this memoir, was a daughter of William E. Hackley, who was a native of Kentucky and of German extraction. He left his old home early in the century and came to Missouri, where he settled in Howard County. He pursued the avocation of a farmer, being one of the pioneers of the county. It was here that the mother of Mr. Henry was born.

After a substantial education in the common schools of Glasgow, Missouri, Mr. Henry studied law under the able preceptorship of Hon. Charles D. Dickinson, at Leetonia, Ohio. After a thorough and systematic legal course, he returned to his native State, where he was admitted to the bar at Fayette, in Howard County, by Judge John A. Hockaday, on November 30, 1895. The committee appointed by the court to examine the young aspirant found him unusually apt and clever, and he passed a most excellent examination. He then opened a law office in Glasgow, where he still practices.

There is combination of youth and ability in Mr. Henry which is rarely to be found among members of the legal profession. His mind is peculiarly fitted for the life-work he has chosen, being as keen and quick in perception as it is calm and accurate in judgment. No man knows better than he that the main attributes of success are hard work and constant study. Hence his ceaseless application to his law books and vigilant attention to his daily business, which he prefers to the filmy allurements of politics. That he has a native eloquence is unquestioned; and it is natural that he should be thus gifted, having the blood of Patrick Henry in his veins. In both State and Federal Courts he has done a vast

amount of fine legal work in important cases, both civil and criminal. Although victorious in several criminal cases of note, he prefers the intricacies of civil and corporation practice. Here is where he feels at home and where his legal talents display themselves in fullest brilliancy.

Born in 1872, he has not had many years of life, but every year, one might say, has been enriched by the fruits of deep observation and close study. This is perhaps the reason that, regardless of his youth, he is held in high esteem in Howard County, and is looked upon as a rising member of the fraternity.

He has been admitted to practice in the United States courts, which is a noteworthy tribute to his ability. Many civil cases involving large interests in Howard County have been handled by him, all of them with profit to his clients and credit to himself. He is a Democrat of the most progressive kind. He is now City Attorney of the town of Glasgow. Mr. Henry is unmarried.

JOHN W. HENRY,

KANSAS CITY.

THE career of Judge John W. Henry, of Kansas City, has covered more than half a century of the State's most active development. Few in any walk of life can claim such a long term of activity in any profession in this State, and fewer still, while permitting their memory to revert to the scenes, incidents and changes of such a lengthy period, can still remain strong, hale and young of heart as is Judge Henry.

Our subject, like many of his contemporaries who have added luster to the Missouri bar, is a native of Kentucky. Born at Cynthiana, January 27, 1825, he is the son of Jesse and Mary Henry. Jesse Henry was born in Kentucky and came of a family which was a part of that brave band of pioneers that blazed the pathway of civilization through the "dark and bloody ground." He was a prominent citizen of his part of the State, and was largely engaged in the mercantile business at Cynthiana. He was respected by his fellow-citizens, who honored him by making him Sheriff of Harrison County, in which capacity he served a number of terms. In 1845, doubtless animated by that pioneer spirit of adventure which was his natural heritage, he moved to Missouri, settling at Boonville. Three years later he again changed his residence to Independence in Jackson County, Missouri, where he passed the remainder of his days, dying in 1852. His wife, whose maiden name was Porter, survived him and was laid to rest fifteen years later. Both were devout Christians and members of the Methodist Episcopal Church.

Of his more remote ancestors, Judge Henry's paternal grandfather was Watson Henry, who was a native of the Old Dominion, and planted the family in Kentucky in pioneer days. He reared a large family and lived to an advanced age. His maternal grandfather was Andrew Porter, who was a millwright by trade. He spent his entire life in Kentucky and his presence there reaches back to the earliest occupancy of the white man.

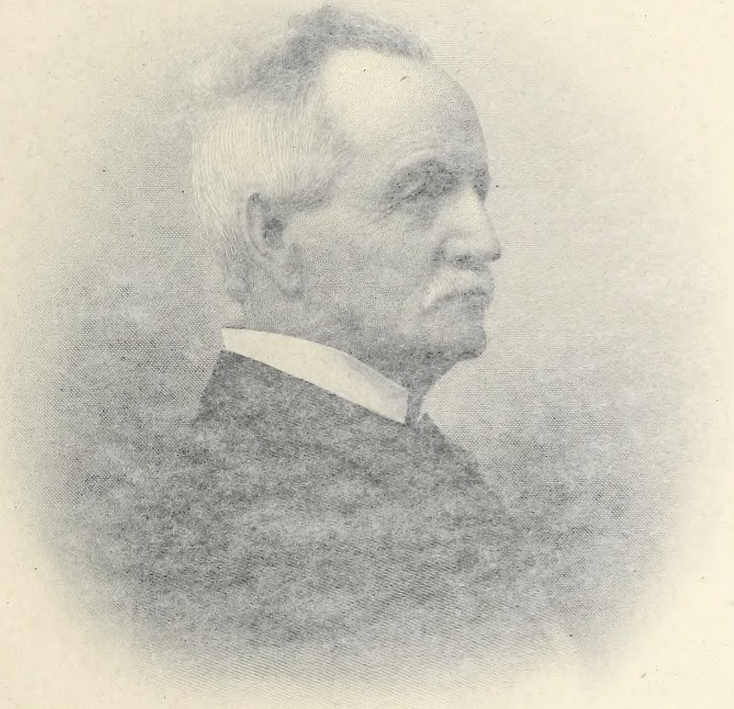
Judge Henry was one of six children, but three of whom are now living, namely: James P., a physician, who is now located at Independence, Missouri; Mary T., the wife of J. Brown Hovey, once a prominent lawyer of Kansas City to whom frequent reference is made in this volume; and the subject of this biography. The latter spent his childhood and youth in his native Kentucky. There he received the rudiments of his education, and early developing a legal bent, began the study of law at sixteen years of age. His reading

in chambers was only interrupted to enter Transylvania University, where he continued his legal studies and completed his literary education. He graduated before he was twenty and was admitted to the bar.

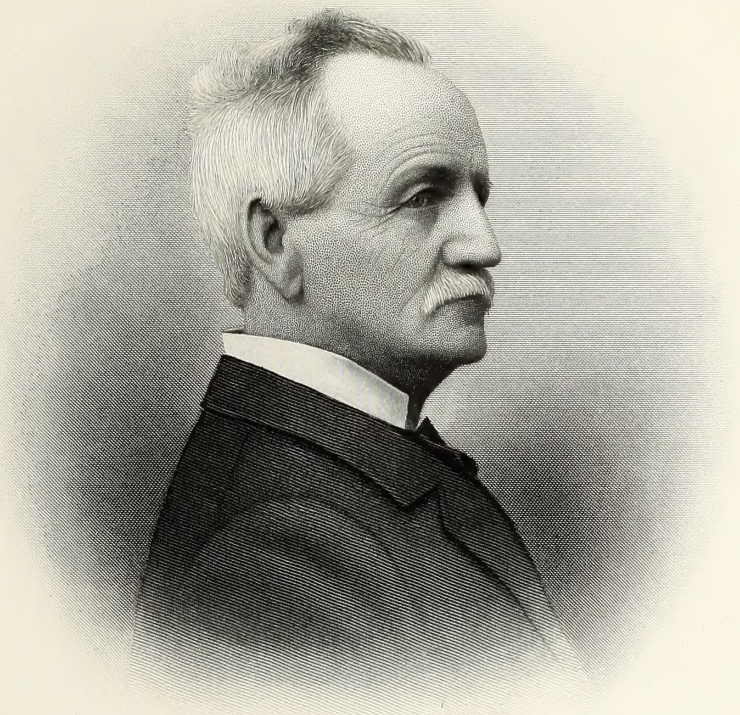
His life has been a stirring one and fraught with many changes, but not without its compensations as a reward of merit and ability, for he stands to-day as one of the most honored and distinguished members of his profession in the State of his adoption. When his parents moved to Boonville from Kentucky, in 1845, the son came with them. He opened an office at Boonville, which was then the center of a vast trade territory, the seat of the highest civilization of the times, and it seems that the best legal talent of the State had centered at Boonville. With such stalwart competitors as that gifted advocate, Adams; that wise Judge, Richardson; the unequaled trial lawyer, Hayden; and many other men of ability, such as Winston, Miller, Thompkins and Stewart, it is not strange that after the young Kentuckian opened an office there in 1845 he made slow progress. But a chance occurred two years later (1847) to better his outlook and he availed himself of it. He was appointed attorney for a branch of the State Bank of Missouri, located at Fayette, Howard County. Locating there, a partnership was formed with Robert T. Prewitt, and the young lawyer's ability began to attract attention. Gov. Sterling Price in 1854 appointed him State Superintendent of Schools and it is of record also that he administered that office with a tact and ability equal to the learning with which he has since dispensed law and justice from the bench.

From 1857 to 1563 he resided at Independence where his widowed mother lived. In the latter year he returned to Fayette, but remained there only two years, removing thence to Macon City, Missouri. He began practice there and was very successful until 1871, when he was again drafted as a servant of the people, being elected Judge of the Circuit Court. His occupancy of the bench offered opportunities for the display of his ability as a jurist, and his record made there, with that which had gone before, led to the distinguished honor which was conferred on him in 1876—his elevation to the bench of the Supreme Court of the State. His record on the bench of that court fully merits the honor and respect in which he is now held by the people of Missouri. He will go down to history as one of the wisest and ablest jurists who ever graced the highest tribunal of the State. Of a quick perception, keen, discriminating, and a mind free from bias, he was exceptionally well endowed to sit as a member of the most august tribunal of the great commonwealth. Both as Judge and advocate he seems to fully grasp the salient points of the case, and being deeply learned in the law, it is not strange he occupies the place he does in the Missouri judiciary. As a Judge he showed himself especially well versed in the questions of negligence, constitutional law and statutory construction. Personally he is noted for his universal courtesy and kindliness to young attorneys especially, having never forgotten the kindness of P. R. Hayden and his encouragement when he began practice at Boonville, to which he refers in his "Personal Recollections," beginning on page 384.

A career that covers a half century of activity throughout scenes and changes in which our subject was an active factor, cannot but be rich with most interesting recollection and fact. The Judge is a mine of reminiscence, anecdote and history, and can relate incidents and events of former days in a most entertaining and instructive manner. He has always been deeply interested in public affairs and has been an actor in many hard fought campaigns of the past. As a public speaker and a lawyer he has traveled by horse and stage coach throughout forty of the counties of Missouri. He has known personally almost



Jno W Henry



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every public man of strong individuality and prominence who has been active in public or private life in Missouri since 1845, and few lawyers of consequence could be named within the same limits and borders whom he did not know intimately. He was the contemporary and friend of such men as that profound lawyer and statesman, Hamilton R. Gamble; those learned jurists, Napton and Scott; that genius of the law (both as Judge and advocate), Leonard; the war Governor of Missouri, Claiborne F. Jackson; the skillful and majestic Doniphan; that diamond in the rough, John B. Clark; the guileless and scholarly Broadhead; that great authority on constitutional law, Samuel T. Glover; the popular Elijah Hise Norton, gifted in a rare degree with learning and common sense; the able and politic Silas Woodson; that greatest statesman, Benton; that great debater and tactician, James S. Green, who represented Missouri in the United States Senate; the noble, honest and eloquent Lindley, who defeated the popular Claib Jackson for Congress; that gifted orator, Major Rollins; that great political trio of able lawyers and great statesmen, Vest, Cockrell and Crittenden — all men whom he describes as they are here written down. He knew also and was the friend of John F. Philips; Thomas L. Anderson, of Palmyra; Uriel S. Wright, of St. Louis; P. R. Hayden, of Cooper; William A. Hall of Howard; Comingo, Hicks, Hovey, Smart and Chrisman, of Independence; Joseph L. Stephens, of Boonville; Waldo P. Johnson, of St. Clair; Thomas A. Ruffin, of Springfield; Felix G. Hunton, of Warsaw; Warner, Lathrop and Karnes, of Kansas City; Hardin, Phelps, Atchison, Stringfellow, and the three Ellisons, and a host of others of whom space forbids mention. Some are yet living, many are dead, all added luster and distinction to the bench and bar of Missouri.

After the expiration of his term as Supreme Judge, Judge Henry removed to Kansas City and began practice. He was not allowed to long remain in private life, however, and he was again called upon to serve the public. In 1889 the Legislature provided two additional Circuit Judges for Jackson County, and the Judge was appointed to fill one of these positions. In 1890 he was elected by the people to the same seat, by an overwhelming majority, and in 1895 re-elected by an increased majority.

Judge Henry was married in 1849 to Maria Williams, daughter of Frank and Martha (Talbot) Williams. They have four children, all grown, and some of them with children of their own. Nannie became the wife of E. C. Johnson. Jesse resides in Jefferson City, married Miss Katie Davidson and they have three children. Frank is an Episcopalian minister, married a Miss Turner and is located at Greely, Missouri. Robert is serving as Deputy County Clerk of Jackson County.

ROBERT ALEXANDER HEWITT, Jr.,

MAYSVILLE.

UNQUESTIONABLY one of the ablest attorneys of DeKalb County, is Robert Alexander Hewitt, Jr., of Maysville, the judicial seat of that county. He comes of old and honorable Maryland stock, although he is a native of Missouri, having been born in the town where he now lives, August 6, 1850. He is the son of Eli and Martha (Barkman) Hewitt, the father being one of the early merchants of Maysville. He was a native of Baltimore, Maryland, where his father was one of the well known business men and

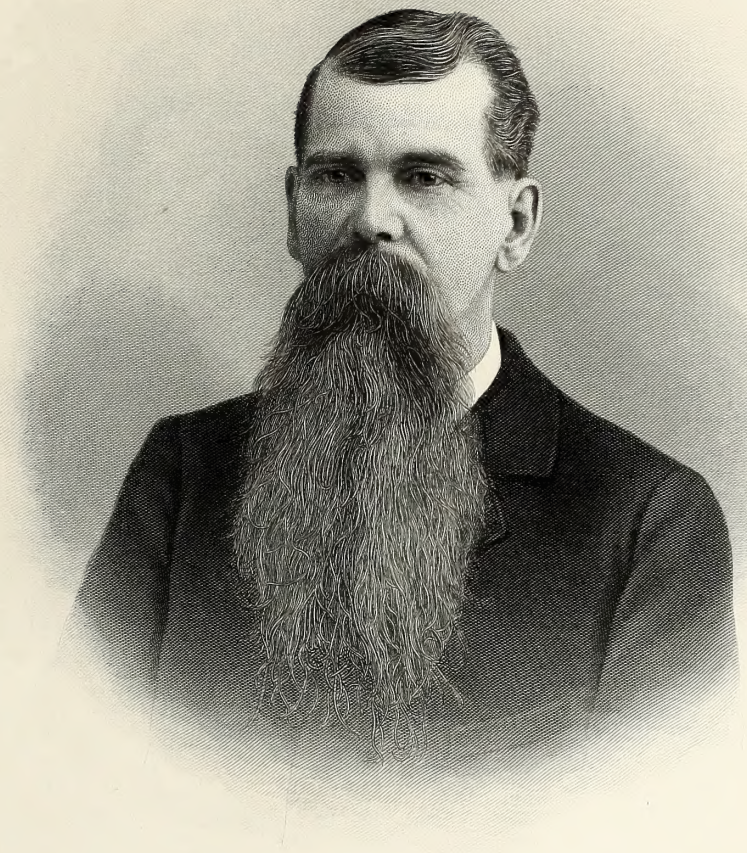
merchants. He came to Missouri in 1846 and settling at Maysville, opened a general mercantile establishment, which he conducted successfully for many years. He married Martha E. Barkman, the mother of our subject, who also came of an old and respected Maryland family, her father having been a ship-master in the days when our merchant marine was a power.

Robert A. Hewitt was educated in the public schools of Maysville and afterward entered a private college at Nebraska City, Nebraska, where he completed his schooling. Then he returned to Missouri and prosecuted the study of law in the office of George W. Rose, and was admitted to the bar at Maysville in 1875, by Judge Joseph P. Grubb. However, he did not at once begin practice, as prior to this he had demonstrated some ability as a writer, and as a consequence he received an offer to become the editor of the DeKalb County Register, then published by Henry E. Glazier. He conducted this paper successfully for a period of four years, and made it one of the best county papers of that section. In 1879 he turned from editorial work to the law, opened an office, and has since continuously devoted himself to his profession. He practiced alone until 1896, when he associated with him James T. Blair, a graduate of the Cumberland University Law School, at Lebanon, Tennessee, and that partnership is still maintained under the firm name of Hewitt & Blair.

In 1886 Mr. Hewitt was elected Prosecuting Attorney of DeKalb County, was re-elected in 1888 and during both terms discharged the duties of the office with a conscientious regard for the oath he had taken, that has never been equalled in the history of the county. At this time he is the City Attorney of Maysville and has acted in that capacity off and on for the last ten years. Excepting these offices, which the most rigid construction of professional ethics permits the acceptance of without lessening the practitioner's devotion to his calling, Mr. Hewitt has never held or aspired to any political office. Being a follower of the Democratic, which is the dominant party, and though widely known and popular, he has persistently resisted all importunities to allow the use of his name as a candidate for office, being content with the honors won in the private practice of law.

His practice is one of the most remunerative in the county. He is the attorney of the Exchange Bank of DeKalb County, and is relied on as the leading attorney on one side or the other in almost every case of importance that comes up. The most important cases in which he has recently appeared, were the trials connected with the failure of the Stewartsville bank. In these he appeared as the prosecutor of the bank wreckers and carried two of the cases to the Supreme Court, where the record of them will be found in 108 Missouri Reports, 120. He is very patriotic, enterprising and civic spirited and is a leader in every local enterprise for progress and advancement. He is also a staunch supporter of every cause of education and culture and is one of the most active members and supporters of the Maysville Chautauqua Association. He was one of the association's incorporators and is now its attorney and a member of its Board of Directors. His faith in the organization as a means of education and culture is testified by the fact that he was one of fifteen public spirited citizens of Maysville who put up $100 each to establish the association. In fraternal circles, Mr. Hewitt is recognized as a Mason, a Knight of Pythias and a Woodman of the World.

He married in March, 1875, Miss C. May Dalrymple, daughter of Robert Dalrymple, formerly of Morrow County, Ohio. Miss Dalrymple's maternal ancestor, Jane F. Miles,



Robt. A. Hewitt

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daughter of Enos Miles, emigrated from Pennsylvania to Ohio in pioneer days and was the founder of Chesterville, Ohio. The Dalrymples were also pioneers of the State last named. Mr. and Mrs. Hewitt have four sons, named respectively, Albert Dalrymple, Herbert Miles, Philip George and Covell Robert. The eldest is twenty and the youngest thirteen.

DANIEL BOONE HOLMES,

KANSAS CITY.

THE distinguished practitioner whose name heads this article, a member of the law firm of Karnes, Holmes & Krauthoff, was born in the historic town of Lexington, Kentucky, March 13, 1850. He is a son of John Holmes and Sally A. Holmes, the latter a member of the Gilbert family. The Holmes family was prominent even in that section of the country where the standards of everything relating to the family are so high. The father was for a number of years a Justice of the Peace of Lexington and was a native of Virginia. He died at Lexington in 1851, where also his wife was buried in 1880, twenty-nine years later. The mother was born in Maryland, where the Gilberts settled in the Colonial period. She was a woman of many Christian virtues, great force of character and high intellectual endowment. When left a widow, she rose to the exigencies of the situation, and it is owing to her determination and nobility of character that her children were reared as they should be, were educated and inspired with the love of truth and right, without which no success is possible.

Daniel Boone was the youngest, and is now the only survivor of a family of nine children. He was a little more than a year old when his father died. At the proper age his mother sent him to the public school, and then to the Transylvania high school, where he prepared for college. In the fall of 1865 he entered Kentucky University, where he was graduated in June, 1870, with the degree of A. B. Before his graduation, in conformity with an early ambition approved and fostered by his mother, he had chosen the law as his profession, and during his senior year at Kentucky University, began and pursued his legal studies under a private tutor, his readings being continued after graduation in the office of one of the leading and most active law firms in Lexington.

In the spring of 1871, at Frankfort, he was duly licensed to practice by the Judges of the Kentucky Court of Appeals, the highest tribunal in the State. He had not been licensed long when, governed by the laudable ambition to attain a thorough mastery of the science of the profession he had chosen, he went East and entered the Harvard Law School, from which he was graduated in June, 1872, with the degree of Bachelor of Laws.

News of possibilities in the way of development that lay before Kansas City had reached his ears, and in recognition of the opportunities it offered to the young attorney with a future before him, he decided to locate there. He reached Kansas City in the latter part of 1872, and in December of the same year was admitted to practice in the courts of Missouri. He was admitted to practice before the Supreme Court of the United States in April, 1892.

In 1873 a marked recognition of the young lawyer's talent and ability was shown by Hon. Thomas V. Bryant, in the form of an invitation to become his partner. Mr. Bryant was a prominent lawyer and had a large civil practice. His offer to the young man, therefore, was an opportunity not to be neglected. The association of the two lawyers proved a most compatible and mutually agreeable arrangement, and was continued for over thirteen years. A dissolution was then forced through the failing health of Mr. Bryant, which compelled his retirement. Mr. Holmes practiced his profession alone and with success until January, 1, 1889, on which date the present strong legal firm of Karnes, Holmes & Krauthoff was formed.

The constantly increasing business of the firm attests the ability of its members. Mr. Holmes, as a lawyer, is among the leaders of the profession in the western part of the State. His legal work has now almost entirely crystallized into corporation practice, and in this department he is recognized as an authority. He has appeared as counsel in some of the most important causes of that nature that have come before Missouri courts. He is a man of great industry, and as a reasoner is clear and logical. Though no orator, he is a forcible speaker, and is able to arrange his facts so lucidly as to present the argument from his client's standpoint in the clearest and most convincing light. He is likewise strong in the preparation of cases. He realizes clearly the importance of a full knowledge of every possible fact bearing upon a case, with the result that in court he is seldom taken by surprise. He is also deeply versed in general literature, and is both a scholar and a thinker.

Mr. Holmes has never had any political ambition, and has therefore never stood for political office. He is, on the contrary, devoted to his profession and takes great interest in everything promotive of its welfare, as evidenced by his membership in the American Bar Association, the Missouri State Bar Association, and the Kansas City Bar Association. He has been President of the last named body. He is also a life member of the Harvard Law School Association.

While he has never been disposed to engage in the disputations of politics, he has nevertheless served his city and the public ably and well in numerous civic enterprises. In fact, he has been a man of exceptional public spirit in a city noted for its progressiveness. His commercial talent has been expended largely in connection with the building and operation of street railway lines, and to him Kansas City is greatly indebted for its splendid system of rapid transit. His efforts were first enlisted in this line of work when new inventions suggested a change in 1886 from the old style to electric and cable energy. He was active in projecting and organizing both the Grand Avenue cable road and the electric line to Independence. He has continued to act as legal counsel of these and associated lines, now embracing practically all of the street railroads of Kansas City, as one consolidated system operating about seventy-five miles of double track street railway, acknowledged to be one of the best and most satisfactory systems of the kind in America.

Mr. Holmes married at Jefferson City on February 6, 1877, Lydia A. Massey, daughter of Hon. Benjamin F. Massey, formerly Secretary of State of Missouri, and a member of the Constitutional Convention which framed the Constitution of Missouri of 1875. They have three children, namely: Massey Bryant Holmes, born January 28, 1878, now a mem-



David B. Holmes.

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ber of the class of 1899 at Harvard University; Sydney Holmes, a daughter, born August 27, 1881, and now attending Monticello Female Seminary at Godfrey, Illinois; and Mignon Gilbert Holmes, born June 28, 1884. Mrs. Holmes is a most accomplished lady. She is a member of the Daughters of the American Revolution, and her culture finds expression through a number of art and literary societies of which she is an active member.

OTHNIEL BRUNER HUDSON,

GRANT CITY.

THE student of heredity will find ample food for speculation in the genealogy of Othniel Bruner Hudson, for the branches of the family tree glitter with several names illustrious in the Nation's annals. The Hudsons were originally English. The great great grandfather of the subject of this sketch was William Hudson, who established the family on American soil by purchasing from William Penn 1,600 acres of Pennsylvania land, located twenty miles north from what is now Lancaster County. George Hudson, the son of William, played a worthy part in the Revolutionary War, serving faithfully through all the dangers and hardships of that memorable struggle. As one of Washington's scouts he endured every privation with patriotic zeal, and by his intelligence and decisiveness accomplished results that proved of the highest value to his commander. He was born in Lancaster County, Pennsylvania, in 1745, and at the age of thirty-seven, when his military career ended, he settled in Huntington County, Pennsylvania. He took for his wife Gabelle Buchanan, whose fortune it was to be the aunt of James Buchanan, the thirteenth President of the United States.

Mr. Hudson's ancestors on his mother's side were Scotch, and their name was Early. They arrived in America before the War of the Revolution, and several of them were active in the battles of that contest. Major-General Jubal A. Early, the famous Confederate leader and eminent Virginian, was a cousin of Mr. Hudson's maternal grandfather.

Walter Scott Hudson, the father of the present head of the family, was a lawyer of considerable celebrity in Worth County, Missouri, and was a recognized leader of the Democratic party. He held many positions of honor and responsibility, among which may be mentioned those of Circuit Clerk, Surveyor and Assessor, and in all of them he served faithfully and admirably. Perhaps he will be best remembered by his surviving friends and their descendants as being the organizer of Worth County, Missouri. The maiden name of Mr. Hudson's mother was Sarah E. Early, her marriage resulting in a period of happiness intensified for her by the triumphs of her helpmeet.

Othniel Bruner Hudson was born in Worth County, Missouri, February 16, 1860. His education began in the common schools of Worth County, after which he attended Columbia University, in New York, being a graduate of the Columbia Law School, of 1894, and President of the class. Meanwhile he had read law at Grant City, Missouri, in the office of Kelso & Schooler, and his office studies, combined with his university training, qualified him readily for admittance to the bar, which event occurred at Grant City in 1893. Considering the duration of his career as a lawyer, his practice has covered a rather wide field, embracing Worth and the adjoining counties in Missouri, and the southwestern portion of Iowa.

Although ancestry is seldom considered in estimating a man's worth in these practical days, still the fact should not be overlooked that Mr. Hudson has in his character many of the traits which made the old Pennsylvanians masters of the field. That is to say, in his profession he has achieved success through patience, perseverance and a high purpose to excel. Mentally he is as robust as the old colonists were bodily, and their temperateness of judgment and quickness of decision are echoed in the legal toil he performs daily. He is peculiarly a lawyer; by this it must be understood that, although bright inducements have from time to time been held out to him to engage in other pursuits, his heart is set on being a lawyer only, and a successful one. He could on several occasions have become an office-holder had he so willed, but politics do not harmonize with his aspirations. In the the courts of Northwestern Missouri and Southwestern Iowa he has continual opportunities for the display of his superior legal accomplishments. His versatility is as noteworthy as the success which follows his efforts.

When the Chicago, Burlington & Quincy Railway was being built through the section embracing Worth County, Mr. Hudson was foremost among those who advocated the building. The development of the county's resources and the closer relations with the rest of the State which it thereby obtained are obvious demonstrations of his enterprise and public spirit.

Among the secret orders he holds a prominent place, being an active and earnest member of the Masonic fraternity and a conspicuous Knight of Pythias in his community. He is a straight Democrat of the later school, which means that he forgets and discards all effete issues, and lives and acts for present and future welfare only.

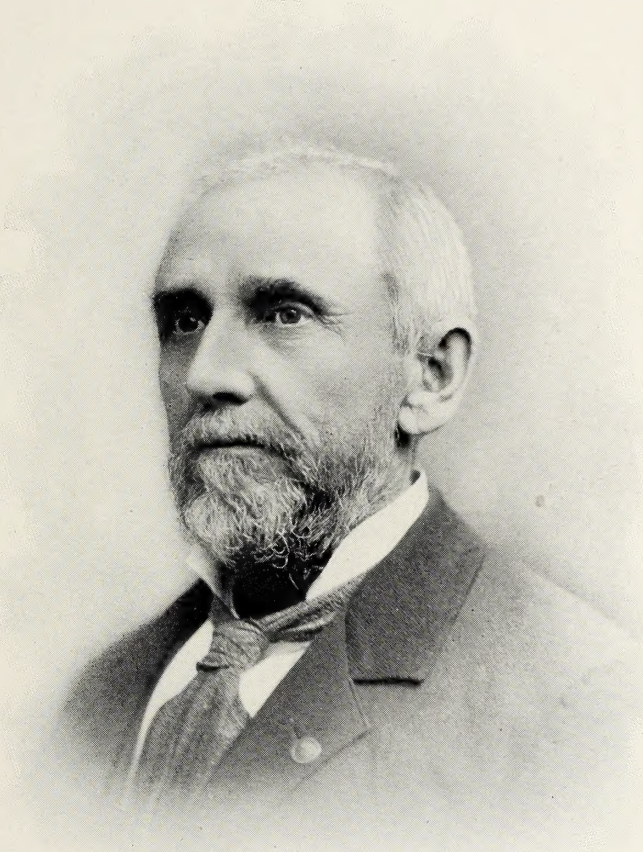
His marriage took place in New York City, on April 21, 1897. His wife was Esther M. Loughlin, who is the daughter of Edward Loughlin, a merchant of some standing in New York. She is a handsome lady, well fitted by her mental gifts to be the life partner of Mr. Hudson, and is distinguished as being the niece of Bishop Loughlin, of Brooklyn.

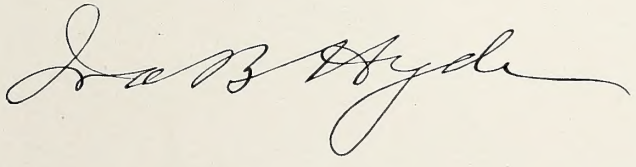
IRA BARNES HYDE,

PRINCETON.

OLD England and New England claim the ancestry of Ira Barnes Hyde. The founder of the American branch of the family, who landed in America in 1640, settled in the young colony of Massachusetts, and three years later, when the colonies of Massachusetts, Plymouth, Connecticut and New Haven formed their memorable confederacy, under the name of the United Colonies of New England, he was to be found in the councils of the projectors. The Hydes multiplied and flourished in that region, and many of them bore a conspicuous part in the Revolutionary War. Emily Lewis Hyde, the mother of Ira, had an ancestry almost similar to the Hydes. The Lewises, originally English, were among the first settlers on the shores of America, Mrs. Hyde's father, William Lewis, who was reared in Connecticut, served through the Revolutionary War as a soldier in the patriot army, and distinguished himself at the battle of Yorktown.

Mr. Hyde was born in Guilford, New York, January 18, 1838. His rudimentary education was obtained in the common schools of New York and Ohio. His training was completed at Oberlin College, Ohio. He removed to Cleveland, Ohio, when sixteen years old, and later went West and entered the law office of Daniels & Grant, at St. Paul, Minnesota,





where he thoroughly qualified himself for the profession of his choice. He was admitted to the bar in July, 1861, by the Supreme Court of Minnesota, and was enrolled as an attorney in the Supreme Court of the United States five years later. Meanwhile he practiced one year in Washington, District of Columbia. In April, 1866, he began law practice in Mercer County, Missouri, and has since continued to be a leading barrister of Princeton.

Mr. Hyde has been a soldier and a member of Congress, but throughout his varied career he has always been, first and foremost, a lawyer. He was a soldier from a sense of patriotic duty, and a National legislator to gratify the wishes of his neighbors, but the calm judgment and the clear decisiveness necessary in the legal profession have always been marked traits in his mental tendencies.

Mr. Hyde may have studied his eloquence at Oberlin, but it was not at Oberlin he learned his power of persuasion. The rare faculty of convincing, which is such a potent factor in moulding the opinions of the juries, is his through natural endowment. His eloquence is of the kind which is the outcome of training as much as of native ability, for it is a matter of public comment in Mercer County that, as occasion requires, he can make an impromptu address with the same readiness that he delivers a studied and finished oration. His inborn aptitude is at the bottom of all his success in life.

The military record of Mr. Hyde is worthy of favorable mention here. After his admission to the bar in St. Paul he practiced about a year there, and in 1862 enlisted in the First Regiment of Minnesota Cavalry, and was in active service during the term of his enlistment and until the final muster out of his regiment. About the time of his enlistment the great Indian outbreak occurred in Minnesota. A great part of the State was overrun and devastated by the Indians, and Mr. Hyde's regiment was retained in the Northwest, and after driving the Indians from Minnesota, in subsequent campaigns pursued them through Dakota and Montana, then mostly unexplored territory. When the strife ended he went to Washington, District of Columbia, where he practiced law for a year, going then to Missouri and locating in Princeton.

The only political office ever held by him has been that of Member of Congress from his district, being elected in 1872, and bringing back from Washington an enviable record. He was renominated by acclamation by the Republican Convention of his district, but although his course in Congress had made him extremely popular, he was defeated in the great Democratic landslide of 1874, when Missouri failed to elect a single Republican member of Congress, and in the country at large the Democrats obtained more than two-thirds majority of the House of Representatives. Mr. Hyde bore a conspicuous part in the debates of Congress, and his speeches upon the National finances, Inter-State commerce and other topics then prominent attracted general attention and approval.

It is to his credit that he was one of the organizers and directors of the Des Moines & Chillicothe Railroad, which is now a part of the Rock Island system. He not only aided in the building of the line, but was its first Secretary and General Attorney. He was also one of the founders of the Bank of Mercer County, located at Princeton, and is now its President. Formerly he held the Presidency of the Bank of Princeton. Being an old soldier with a good military record, it is not surprising that he is a leading member of the Grand Army of the Republic in his county, and also one of the Sons of the American Revolution. He is a Republican in politics, and has always been heeded in the councils of his party.

His first marriage took place in Doylestown, Pennsylvania, where he was wedded to Miss Sophie Clymer, one of the belles of that city. Mrs. Hyde died in 1871 and left him one child, Edward Clymer Hyde, who is now a lawyer in Mercer County, Missouri, with a flourishing practice. Edward married Miss Minnie Scott, of Princeton, by whom he is the father of two fine boys, Edward and Scott. In 1873 Mr. Hyde's second marriage occurred at Rockport, Ohio, the bride being Miss Carrie E. Mastick, daughter of Col. Benjamin Mastick, of Rockport. She died in 1889, and left him two children. They are Benjamin C., who is assistant cashier of the Bank of Mercer County, and Arthur M., a student at the University of Michigan. Arthur is a promising youth, having won the first prize at Oberlin and the second prize at Ann Arbor for oratory. Benjamin married Miss Jessie Bellew, the daughter of T. W. Bellew, who commercially and financially is a conspicuous citizen of Mercer County. Mr. Hyde was married a third time, in 1891, to Miss Eliza T. Mastick, at Alameda, California. She is the daughter of E. B. Mastick, of San Francisco, who is a lawyer of wide celebrity on the Pacific coast. There are three living children by this marriage, Lawrence M., Ira B., Junior, and Frances E.

MACHIR THOMAS JANUARY,

NEVADA.

ALTHOUGH he has scarce turned his fortieth year, and in appearance is even younger, there is no man of mature age and long residence who wields a larger influence, or as a lawyer is rated higher in that rich and populous section, Southwest Missouri, than Machir Thomas January, of Nevada. His reputation is deserved, for he is a lawyer of splendid ability, brilliant and versatile. Resourceful and skillful in the conduct of a case, and a thorough pleader, it is no more strange that he is admired and envied by his brother practitioners, than that his masterful and strong character, marked individuality and great personal magnetism have made him popular with the general public. He is a man with a future before him, and is destined to become an honor to the State and an ornament to her bar.

Mr. January is a native Missourian, having been born in St. Louis County, March 5, 1857. He is the son of Thomas Thruston and Maria January. Both parents were of splendid Kentucky stock, their ancestors having long been prominently identified with the social and political life of the Blue Grass State. His paternal grandmother was Mary B. Thruston, of Virginia, a member of a family who were active participants in the Revolution. His father left Kentucky and settled at Jacksonville, Illinois, where he engaged in merchandising, and with that energy and strength of character which has been a noteworthy quality in the family through many generations, soon became one of the most influential and active men of that part of Illinois. It was he who organized and built the Meredosia & Springfield Railroad, the first line constructed in the State of Illinois. He resided during most of his life at Ferguson, the beautiful St. Louis suburb, and owned considerable land in St. Louis County. He carried on the business of a farmer and a dealer and breeder of fine stock, and also owned land in Mississippi and was an extensive cotton planter there. The family name of the mother of the subject of this sketch was Machir.

Machir T. received the rudiments of his education in the schools of St. Louis County, and when prepared entered Baptist College, at Columbia, Missouri. After studying some



M. T. January

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time at that institution he changed to Racine College, at Racine, Wisconsin, where in due time he obtained his diploma. Having decided to become a lawyer, he returned to his home and at the beginning of the next term entered St. Louis Law School, which has finished so many of the bright lawyers of Missouri. He graduated from the Law School in 1880, and then was admitted to the bar in St. Louis County.

In seeking a location he was attracted by the prospects of Nevada, which was just then beginning the development which has since made her one of the chief towns of the State. Accordingly in July, 1880, he opened an office there and has since made it the scene of his labors. From 1885 to 1889 he was the partner of Hon. E. E. Kimball, who was in 1888 the Republican candidate for Governor, and was afterward United States District Attorney for the Western District of Missouri. In 1891 Mr. January formed a partnership with E. P. Lindley, another able lawyer of that section, and this agreement was dissolved in 1893. Since then he has practiced alone.

Mr. January has all of that devotion to his profession which is a qualification precedent to success in any line. He is a Democrat, and although he is prominent in his party in that part of the State, with one exception he has never consented to accept aught but wholly honorary office. That exception was when he was elected Mayor of Nevada. He made a splendid executive and though he could have had the office for the asking many terms, he resigned before his first term had expired, the duties of such a position not being congenial. Since then, notwithstanding opportunities have been plenty, he has never consented to become a candidate for any place, much to the regret of some of his friends who believe he would reflect honor on Missouri as one of her representatives in Congress.

Mr. January is a man of sincerity and high purpose, of a studious bent of mind and the lofty ambition to make a name for himself as a lawyer. He is a young man of signal ability and a thorough understanding of human nature, a qualification most valuable in Judge or practitioner. He has that suavity and geniality of manner, which has made him popular with all classes, and may be partially the secret of his success. Of vigorous intellect, clear understanding, his ambition and hope of a yet higher success are altogether laudable, reasonable and certain.

Mr. January was married March 15, 1883, to Jeannie Thornburgh, daughter of Josiah Thornburgh, who was for a number of years Clerk of the Supreme Court and of the St. Louis Court of Appeals. He returned to his native place for a wife and the wedding took place at Ferguson. The couple have five children, the eldest, Josiah Thornburgh, is now a student of Nevada high school. The others are named, respectively, George Baird, Samuel, Nancy and Laura.*

JERROLD MAJOR JOHNSON,

BROOKFIELD.

A LAWYER who at the age of thirty-three has made a reputation, gives guarantee that he is admirably adapted to that profession, and has within him the elements to compel a still greater success. Jerrold Major Johnson, of whom this memoir treats, has arrived

*If anyone should know a man thoroughly, it is his family physician. Dr. E. N. Priest, of Nevada, who has borne that relation for many years and is critical in his judgment of men, writes this of him: "I know him well. As far as I am capable of judging, he is one of the very best judges of law I have ever known. Being well versed in the law and of a comprehensive, analytical turn of mind, his judgment on a law proposition is excelled by but few. He is studious in his habits, and devotes his time and energies to his profession. He pays his debts, and his honesty of purpose and integrity of character can not be questioned by anyone. He has the force of character to follow his honest convictions, and I believe in all of his dealings is governed by the highest and best of all motives—honesty of purpose."

at that age, and is well entered on a career which has already achieved much. He was born July 30, 1865, in Scottsville, Sullivan County, Missouri.

His father, Albert Cave Johnson, a Kentuckian by birth, came to Missouri when seven years old, settled in Sullivan County and there learned the trade of cabinet maker and afterwards became a merchant. The Johnsons are of English and Irish extraction and were among the early settlers of Kentucky, having done much toward building up that commonwealth. The maiden name of Mr. Johnson's mother was Zylpha Katharine McCowen, the McCowens being originally Scotch. The family emigrated to Virginia before the Revolution. Caney Bagwell, a granduncle of Mr. Johnson, served in the Continental army and achieved distinction on many fields for personal bravery.

Mr. Johnson's education was obtained in the public schools of Sullivan County, Missouri, and by private instruction under Prof. H. N. Peterson, a worthy tutor of the same county. His law studies were conducted at Linneus, Missouri, first with T. M. Brinkley, then with A. W. Mullins. Young Johnson was admitted to the bar at Brookfield, Missouri, in February, 1889, and at once began the business of his life by opening a law office at Bucklin, Missouri. He practiced in Bucklin three years, building up quite a name for himself, and then returned to Brookfield, where he became connected in partnership with Harry Lander, under the firm name of Lander, Johnson & Lander, the senior member being noted for his knowledge of land laws, some hint of which may be obtained from his special article on that subject herein.

Linn County contains several able barristers, old and young, but none more promising and energetic than Mr. Johnson. Commencing his legal career equipped only with native talent and a cheerful perseverance, he very readily converted himself into a lawyer with accomplishments to command respect. Perhaps much of this success can be attributed to his aspiration to be simply a lawyer, and to win fame within the limits of that profession. He has never held political position — not that opportunities have not offered — but he fears that a division of interests might impair his efficiency in both directions, and his determination to succeed at the law is too firmly fixed for him to consent to anything that might lessen his chance of reaching the high position to which he aspires. He takes that pride in his profession, which is the mainspring of success in any field. As a high private he has proven himself one of the most earnest and active workers in the Democratic party in his section, never faltering when his services were needed, but always lending them gladly and freely and never despairing of the ultimate triumph of Democratic principles.* Every enterprise having as a final result the material welfare of Linn County finds in Mr. Johnson an immediate friend and warm supporter.

For six years immediately preceding 1887 when he began the study of law, Mr. Johnson, to use his own expression, "was being buffetted about the Pacific Coast, up and down the Territories and Rocky Mountains." During part of this period he was occupied as a mining engineer, which, excepting the law and school teaching, was the only line of work he has ever essayed. During these years he had a diverse and valuable experience. They gave him a practical idea of men, matters and things, that places him at an advantage to the ordinary boy or college graduate who has had no experience of the world. This, added to a natural insight into human nature, he holds to be the foundation of his

* Since the above was written it is learned that the Democrats of his circuit are pressing Mr. Johnson to become a candidate for Circuit Judge, and that it is altogether probable he will be nominated and elected. As this is considered a professional rather than a political office, Mr. Johnson may thus accept without deviating from his resolution or any departure from the law.



J. M. Johnson

success as a lawyer; and he gives it as a suggestion to the young lawyer or student, that they become acquainted with men and the world, holding that the value of actual experience in the rough school of the world's affairs cannot be over-rated by the boy who would succeed at the law.

Mr. Johnson is essentially a trial lawyer. It is the actual test of a case before a court or a jury that arouses his enthusiasm, brings out his matchless resources. In cross-examination he displays a skill before which even the coolest and most unexcitable witness is likely to "lose his head." His custom sometimes is to lead the witness on by his suave and innocent way, until he has made some admission apparently of no consequence, but really of the first importance. When he gets him into such a *cul de sac* he pours the questions at him with a speed and vigor, that through his confused efforts to extricate himself, sends the witness deeper into the mire of uncertainty. His mind grasps all the points of his case with an inclusiveness that scarcely admits of surprise from the opposing attorneys. He is as quick at repartee as he is skillful in taking advantage of every point that is possible to his side of the case. His manner of presenting his case is bold and decisive and his entire bearing demonstrates the confidence he has in himself and in his contention, which serves to inspire others with the same certainty. He is a fluent speaker, is strong in argument and expert in presenting a proposition in the best possible light. In fact, he is considered the best trial lawyer in his part of the State. He is no less popular as a man than he is able as a lawyer, and holds a high place in the confidence of the people of Sullivan County, where he was born, and in Linn County, where he resides.

Mr. Johnson was married at Bucklin, Missouri, on January 7, 1891, to Miss Amma Frances Atwater, the beautiful daughter of R. H. Atwater, of Raleigh, North Carolina. Three fine children are the result of the union: Ruth Atwater Johnson, Albert Lander Johnson and Jerrold Page Johnson.

WALDO P. JOHNSON,

OSCEOLA.

WALDO PORTER JOHNSON was a native of Virginia and was born in the village of Bridgeport, in Harrison County, on the sixteenth of September, 1817. His father, William Johnson, was a merchant and farmer. The maiden name of his mother was Olive Waldo. His brothers and sisters were Mortimer H., William T., Jedediah W., Thomas B., John C., Abigail A., Emily and Olive. After preliminary studies in private schools, he entered Rector College, at Pruntytown, Virginia, and graduated therefrom in the year 1839. The buildings of this college were subsequently destroyed, and the institution itself abandoned. On the eighteenth of September, 1842, he was admitted to practice law, as the license reads, "in the superior and inferior courts of the Commonwealth of Virginia." In the spring of 1843 he came to Missouri, and located at Osceola, in St. Clair County, influenced, probably, by the fact that two of his maternal uncles resided in that vicinity. Osceola was then a hamlet of some ten or twelve houses and fifty people; yet, it was a county seat in a region rich in natural resources, and offered some attractions to a young lawyer.

His practice of the law was interrupted, in the spring of 1846, by the call for volunteers for the war with Mexico. He enlisted in a company organized by Capt. David Waldo

(his uncle), and this company became a part of the "First Regiment of Missouri Mounted Volunteers," commanded by Col. A. W. Doniphan. While in Southern New Mexico, he was mustered out of service, because intelligence of his election to the next Legislature of Missouri had been received. A long journey lay before him; but by constant and rapid travel, he arrived in Jefferson City the day before the meeting of the General Assembly. In the proceedings of the session that followed, he took an active and prominent part.

In 1848, he was chosen Circuit Attorney; and, in 1851, was elected Judge of the Seventh Circuit, but resigned after a year's service, to resume his law practice. In 1854, he was the candidate of the "Benton Democrats" for Congress against Hon. John S. Phelps, but was defeated by a small majority. Thenceforward until 1861, Judge Johnson pursued industriously and with marked success, the practice of his profession, and acquired a large landed estate in Southwest Missouri.

On the first day of February, 1861, he was appointed by the Legislature as one of the five Commissioners from Missouri, to the "Peace Congress," which met at Washington on February 4, 1861, for the purpose of attempting to agree upon some plan to avert the Civil War, then impending. On the eighteenth of March, 1861, he was, by the General Assembly of Missouri, elected to the Senate of the United States to succeed the Hon. James S. Green. It has been asserted by some that Waldo P. Johnson was elected as a Union man. This was true, in that he was opposed to secession, if the controversy could be settled in any other way, without a sacrifice of the rights and liberties of the Southern people; and he, at that time, believed that all difficulties could be amicably adjusted without disunion and without war. With these sentiments, yet resolved that if war came he would enlist on the side of the South, he took his place in the Senate at the special session, called by Mr. Lincoln, to meet July 4, 1861.

He was not in that Senate long before he discovered a determined purpose on the part of the majority to insist upon war, but after the battle of Manassas, in which the Federal troops were overwhelmingly defeated, and on the day before the special session adjourned (August 5, 1861), he offered the following as an amendment to a bill then pending: "And, be it further enacted, that this Congress recommends the Governors of the several States to convene their Legislatures, for the purpose of calling an election to select two delegates from each Congressional district, to meet in a general convention, at Louisville, in Kentucky, on the first Monday in September next; the purpose of the said convention to be to devise measures for the restoration of peace to our country." This proposition was defeated, there being nine votes cast for it and twenty-nine against it. Mr. Greeley, in his "American Conflict," notes the offering of this resolution and the vote upon it, but makes no comment, further than to say in a foot note that the author and his colleagues soon thereafter entered the Confederate army. Looking backward at it now, it is easy to see that the adoption of it would, in all probability, have prevented the most destructive war that ever took place between people calling themselves civilized; the numerous outrages upon liberty would have been avoided, and neither the assassination of Lincoln nor the assassination of those charged with his assassination, would have crimsoned the pages of our history.

The rejection of the proposition for peace determined finally Judge Johnson's course. After the adjournment of the special session he made a short visit to western Virginia, where his family was, and then went to Missouri and entered the Confederate army. He was wounded twice while leading his regiment in the battle of Elkhorn, or Pea Ridge.



Waldo P Johnson

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He was with Price's command when it went to Corinth, Mississippi, in 1862. In the fall of that year, he was placed in charge of the recruiting of the Missourians, by special orders from the Confederate War Department, and at the close of that year had organized and placed in service a regiment of cavalry and six companies of infantry. Afterwards, until the fall of 1863, he was on special service. He was then appointed, by Governor Reynolds, of Missouri, to fill the vacancy in the Confederate Senate occasioned by the death of Hon. R. L. Y. Peyton, and served in that body until its existence was terminated by the fall of the Confederate Government. While in Richmond, he was one of the confidential advisers of President Davis, as well as an ardent supporter of his policy in the Senate.

Leaving Richmond about the last of March, 1865, upon the adjournment of the Confederate Congress he made his way to the Missouri Confederate troops, then near Shreveport, Louisiana. Soon afterwards they surrendered, and the war came to an end. As the United States Government was then causing the arrest of many persons who had been connected with the Confederate Government, he went to Hamilton, Canada, by way of New Orleans and Chicago, traveling from New Orleans to Cairo by boat, on which, for a part of the distance, was a Missouri (Federal) regiment. As this regiment was composed largely of Illinoisans, he was not recognized.

His family rejoined him in Hamilton, and he resided there until April, 1866, when, by previous arrangement, made by letter, he went to Washington, gave a parole, and returned to Missouri. The parole required him to report himself, at such time and place as might be directed, "to answer any charge" that might thereafter "be preferred against him by the President of the United States." No charge was ever preferred.

In common with all the people of the country, he rejoiced that the war, with its terrible accompaniments, was ended. He never regretted the course pursued by him in the struggle, and never ceased to believe that the South contended for the better principles, and that civilization in America sustained a shock and a serious loss by its failure to achieve independence. His idea was, that, until the year 1861, the government rested upon the consent of all the governed; afterwards, upon the consent of a majority only. He sought neither a pardon nor the removal of the political disabilities which were imposed by the vindictiveness of those in control of the government.

He spent the next ten years of his life in the active practice of his profession, and in trying to collect the fragments of his possessions, left after the destruction caused by the war. In 1875 the people of Missouri determined to have a Constitution in place of the document that had been pinned upon the State by the bayonets of the Enrolled Militia in 1865, and public sentiment demanded that he should give them the benefit of his wisdom and experience in its formation.

The Convention of 1875 is conceded by all to have been composed of the ablest and best men in the State. He was elected President of that Convention, during an absence enforced by professional duties, and without any caucus or combination. He discharged the duties of the position to the entire satisfaction of his associates and the people of the State.

In 1876, he removed to St. Louis, in order to attend more conveniently to important litigation in which he was interested. He remained there until 1884, when he returned to Osceola, although still retaining an office in St. Louis.

Judge Johnson was married October 27, 1847, to Miss Emily Moore, of Clarksburg, Virginia, and of this union there were born four sons and a daughter: William T., a law-

yer of Kansas City, Missouri; Thomas M., a well known Greek scholar and lawyer of Osceola, Missouri; St. Clair C. and Charles P., citizens of Texas, and May, who died in infancy. Mrs. Johnson died at Osceola, Missouri, May 31, 1884, and Judge Johnson died there August 14, 1885, and both sleep in the cemetery of that city, which was so long their home.

While he was a constant reader of the Holy Scriptures, a firm believer in Christian principles, and frequently expressed his admiration for the Roman Catholic Church, as the best organized expression of Christianity, yet he never connected himself with any ecclesiastical organization. Whatever may be the reward of those of kindly heart, who by their deeds earn the gratitude of the industrious poor, and by charity in thought and works make friends of all who know them, he has received in the eternal world.*

WILLIAM TELL JOHNSON,

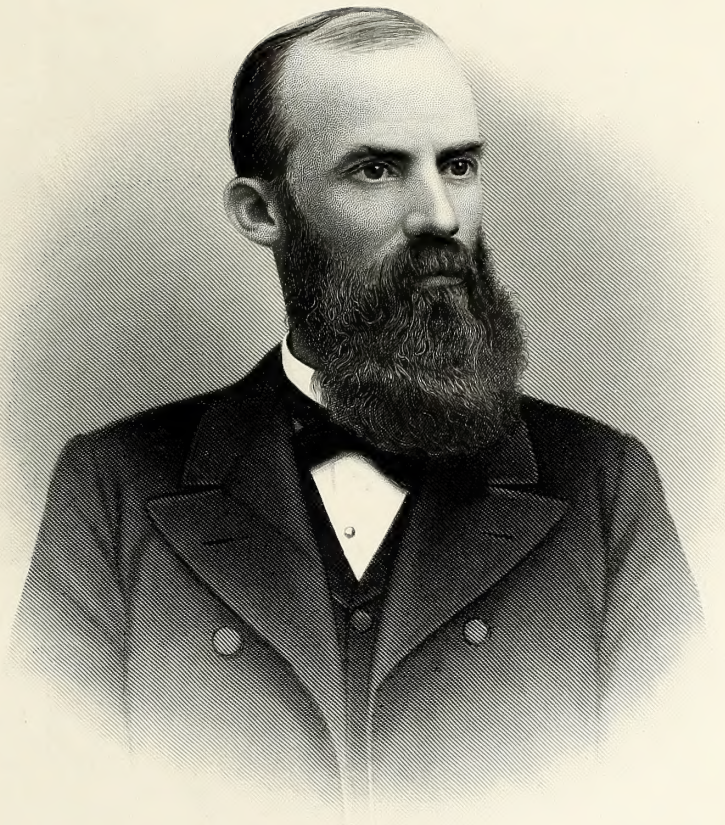
KANSAS CITY.

A SON who has proved altogether worthy of his father's name, and is endowed with the force and character to carry forward the great work prosecuted by him during his life, is William Tell Johnson, of Kansas City. He followed in the footsteps of his father, Judge Waldo P. Johnson, professionally, and has succeeded to the management of the greater part of the large estate left by the latter, who was one of the noblest men Missouri ever produced. As lawyer, soldier, member of the Legislature, Judge, member of the Confederate Senate and a member of the Senate of the United States, much of his life and high ability were given to the service of his fellow-citizens and are of public record. As a private citizen, he must ever be remembered as one of Missouri's most public spirited men, and one who used his wealth freely in the development of the State's resources through private investment. His son has demonstrated that he is likewise endowed with both the capacity for great business affairs and exceptional talent as a lawyer. In the law respecting corporations he is rated as an authority, and in that field of practice has been very successful. He is a thorough believer in advancement and progress, and may be considered a broad, liberal, talented, patriotic, public-spirited citizen, whose residence cannot be otherwise than in the highest degree beneficial to any community or section.

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*The following just analysis of his character was made by Maj. John N. Edwards, his intimate friend, and the most distinguished writer Missouri has produced: "As quiet as he was in the last twenty years of his life, as modest, as retiring and as unassuming, he was yet the safest guide, the truest friend and the wisest counselor any one ever had who wished to know what honor was, and truth and spotless integrity. You had to know him long to know him at all. After the war, he went through the world grave, placid, thinking much, reading a great deal, and going out to men rarely. For the struggle of life—for that constant need to be equal to any crisis or any emergency—no one was ever more thoroughly armed and equipped. He knew law, war, men, politics, history, science, religion and philosophy, and yet he was so gentle and winning in his conversation that you only listened, satisfied, without striving to analyze his many-sided character, or sum up the various qualities wherein the man excelled. Before he died, he saw a great many strange sights, and had to do with a great many strange things. What a history he might have written! He knew Missouri so well. A pioneer among her pioneers, he was also a giant when there were giants in the land. After the Civil War, peace showed just as clearly as military strife what a soldier he was. He owed $100,000 in security debts, and he had some wild lands here and there to pay these debts. He paid them. The same gentleness, patience, and forbearance which began with him in the beginning, abode with him to the end. And so he died."

Hon. B. G. Boone, then Attorney-General of the State, said when presenting, in the Supreme Court, the memorial of the St. Louis and Henry County bars on the death of his life-time friend: "Brilliant and commanding as was the public and professional career of Judge Johnson, his private life shone with a still more resplendent lustre. He was possessed of an elevation of thought, a purity of purpose and nobility of action worthy of earnest emulation. To-day, as we pay tribute and homage to his name and virtues, he sleeps quietly on the banks of the beautiful and historic Osage, while his lofty spirit has passed to the distant Aiden, where hope provides an Elysium for the soul, mortality assumes immortality and life becomes an endless splendor. A career so full of earnest endeavor and honorable actions is equally the pride and glory of the State, and among all the great names of Missouri, both of the living and the dead, there is none more honored than that of Waldo P. Johnson."



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William T. Johnson

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The biography of his father, Judge Waldo P. Johnson, will be found elsewhere in this volume. His mother, whose maiden name was Emily Moore, was a daughter of an old Virginian family, whose members have been frequently distinguished in various walks of life. His great grandfather was a soldier in the Revolution, achieving the position of Major on the patriotic side in the struggle. He was also prominent in the Indian Wars, his wife, whose maiden name was Rachel Pindall, having been slain by the red men in western Virginia.

William Tell Johnson was born August 4, 1848, at Osceola, St. Clair County, Missouri. After a complete educational training at the University of Notre Dame, Indiana, he studied law in the office of his father, and under his direct supervision. Becoming proficient in legal literature and theory, he was admitted to the bar June 29, 1872, at Butler, Missouri. Returning then to Osceola, he began his career as a barrister, exhibiting at once an ability which foreshadowed his present success. In his methods he has always displayed a patience that succeeds, preferring, instead of cutting legal Gordian knots, to untie them. Plainness in language and clearness of demonstration are two traits that mark him professionally. He has never been guilty of multiloquence, being convinced that plain, clear, logical statement of fact is often more effective than ornate rhetorical flourishes, and thus Mr. Johnson's juries have always been convinced, more by simple, matter-of-fact proofs of truth than by ebullient bursts of oratory. The wholesome light of day shines on all his transactions before the bench and bar, for he is peculiarly a man of fact as a lawyer, and his success depends largely on that characteristic.

The scene of his legal labors was Osceola until 1879, when he removed to Kansas City. Meanwhile he established a partnership with John H. Lucas* in 1874, and in 1883 William H. Lucas was added to the firm. Johnson & Lucas is the name of the firm to-day, and they do business at both Kansas City and Osceola, though Mr. Johnson resides in Kansas City. He believes in railroads, and like his eminent and public-spirited father, has done much as a developer of various parts of the State through such investments. Street railways have likewise been favorite investments with him, and his enterprise has also been active in the founding of a number of banks.

An ardent Democrat and a practical Roman Catholic, he prides himself on being upright politically and religiously, and has made himself and his fellow-citizens better men thereby.

September 15, 1885, he took for his wife Miss Agnes M. Harris, a native Missourian, daughter of Dr. Edwin E. Harris, of St. Clair County, a prominent surgeon in the Confederate Army, who sacrificed his life upon the altar of Southern liberty. To intrinsic personal loveliness, she adds the breadth of a liberal college education, and the grace of musical culture, that ranks with the highest to be obtained in America. Three children bless their union, Margaret, Robert and Mary. Their home is in the southern suburbs of Kansas City, where by reason of the environments, they enjoy both the comforts of the city and the pleasures of the country.

J. V. C. KARNES,

KANSAS CITY.

J. V. C. KARNES was born in Boone County, Missouri, on the 11th day of February, 1841. He is the son of Thomas Karnes and Elizabeth (Payne) Karnes. His father was of German descent, his mother a member of the Payne family of Virginia, which,

*The sketch of Mr. Lucas will be found in its regular order in this division of this work.

from early time, furnished many well known names to local and national history. Of this line was the charming and beloved "Dolly" Madison and her equally attractive sister who married a nephew of General Washington.

Even at the period of young Karnes' birth, Boone County was one of the richest and most prosperous in the State, affording favorable surroundings for his growth and development. After passing through the country school in his vicinity, he entered the State University at Columbia, maintaining the highest standing in his class during a four years' course under President John H. Lathrop, the influence of whose commanding personality and active interest in him, Mr. Karnes has declared one of the most, if not the most, important formative factors of his life.

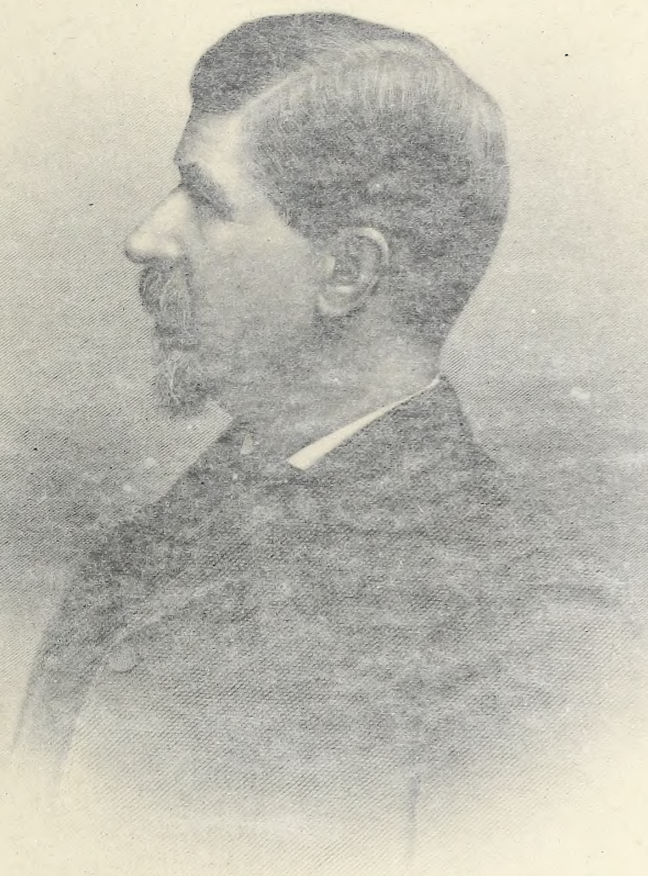
Before his graduation, the law had become his chosen profession, and soon thereafter he entered the Harvard Law School as a student of the science. Subsequently he was elected an instructor in English literature and the classics at the Missouri State University, and accepted the position. He made a most successful teacher, awakening the enthusiasm of the students and inspiring their interest in the work they had to do. But his ultimate purpose was the law, and he did not allow his temporary educational work to entice him from the pursuit of his legal studies and his determination to win his way in the "great profession."

During his college days, he had become associated with Henry N. Ess, a fellow-student, able and forceful in mind and character. Ess, too, had become an instructor in the State University after graduation, and had adopted the law as his prospective vocation in life. The two pursued their legal studies together while in the university faculty, under the direction of Hon. Boyle Gordon, of Columbia, a lawyer of ability and learning.

In 1863 Mr. Karnes was married to Miss Mary A. Crumbaugh, of Columbia. Her influence upon the life of her husband has been a blessing and an inspiration. Her native power, with her eager assimilation of all that was best in her environment, has kept her in growth and development fully abreast of her husband, and the success which crowns their lives—if not, as Mr. Karnes would loyally insist, due pre-eminently to her—may be truly said to be their mutual achievement. Their three children, a son, Lathrop, and two daughters, Mrs. Alfred Gregory and Miss Mary Gilman Karnes, reside in Kansas City, the last named with her parents.

The choice of a location confronted Karnes and Ess in 1865, and after surveying the field, they wisely, as the event proved, fixed upon Kansas City. It was then the eastern terminus of the Santa Fe trail, a rough, straggling, border town of a few thousand inhabitants, which had had its full share of vicissitudes incident to the Civil War. Its geographical location, however, its subsequent selection as a Western railroad center, and the energy of its people, all combined to make its destiny assured. The firm of Karnes & Ess opened an office in Kansas City in the month of August, 1865. Their professional beginnings were small. The starvation process through which most successful lawyers have to go was borne with fortitude and without complaint. Mr. Karnes and his partner believed in the maxim that if they kept their office, their office would keep them. By degrees clients began to drop in, and their interests being well served, others followed in their train, until soon the firm of Karnes & Ess was recognized as one of the leading firms of the city.

After twenty-one years of joint professional life, the longest of any firm in the city, Mr. Ess retired, and his place was taken by L. C. Krauthoff, a brilliant young lawyer, who



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had already won laurels in the profession as a member of the firm of Smith & Krauthoff, at the capital of the State. A few years later, D. B. Holmes, a lawyer of the highest standing at the bar of the city, was taken into partnership, the firm name being Karnes, Holmes & Krauthoff.

As a profouud lawyer and a successful practitioner, Mr. Karnes stands in the foremost rank of the profession. By many he is regarded as the leader of the Kansas City bar. The secret of his success is not difficult to discover. At the bottom of his legal learning, he has a well disciplined mind, a large amount of strong common sense, a rare mastery of details, and an ability to reach results. To this is added unflagging industry. As a counselor, he is conservative and safe, taking a broad view of the situation and surroundings of every matter submitted to him, and foreseeing the result of his advice in a given case with wonderful certainty. As a practitioner, he is most thorough in his preparation of a case for trial, not only going over it in detail with client and witnesses and examining the law bearing upon the points at issue, but laying out a plan of attack or defense with all the care of a military leader. A fine judge of human nature, one of the best cross-examiners at the bar, he has the remarkable gift of never appearing surprised or discomfited in the eyes of court or jury, no matter how damaging the evidence or how disappointing the instructions.

His belief in the justice of his client's cause, and his sincerity and earnestness in presenting it, have had very much to do with his phenomenal success as a trial lawyer. Many lawyers are recognized as peculiarly strong either before the court or before the jury. Mr. Karnes is strong before both. He is not only clear, logical and forcible in his presentation of a proposition of law to the Judge, but persuasive and convincing to a marked degree in his arguments to the jury as well. He has had to do with very much of the heavy litigation of the city for the past quarter of a century, his clients including many of the leading business men and many of the largest corporations of the city. His firm led the fight for the Water Works Company with the municipality in the great contest over the purchase of the works or the renewal of the franchise, and while the franchise was not renewed, the purchase by the city was decreed at such a price and upon such terms as would, undoubtedly, have been accepted by the company if proposed in advance of litigation.

Mr. Karnes has always been a favorite with his professional brethren when occasion required the aid of additional counsel. His advice and assistance have been of the best at all times, and association with him in a case has always given confidence of success if at all attainable. He has ever been approachable by young men, being considerate of their views and helpful with wise counsel and active aid whenever requested.

He was one of the first Presidents of the Kansas City Bar Association, continuing in office until he declined to be further re-elected, and at all times upholding a high standard of professional ethics and promoting good-fellowship among its members. The papers read by him before the Association have always been prepared with care, have been listened to with interest and are preserved among its most valuable archives.

The loyalty of his clients is proverbial. Like the true lawyer that he is, he makes their causes so thoroughly his own that they look upon him as much from the standpoint of a "friend" as from that of "guide" and "counselor."

His home life has been uniformly pleasant, and with his wife and family he has dispensed a generous hospitality to his friends. Mr. Karnes has always taken a lively interest in public affairs, but without ambition for personal political preferment. A Republican

from principle, he has adhered to the party upon State and National issues. In matters of municipal concern, however, he has always been independent, looking upon the city as a great business corporation and measuring candidates for office by the standard of honesty and fitness, regardless of political considerations. In 1880, the Republican party, recognizing his standing as a lawyer and as a Republican, nominated him for Judge of the Supreme Court, but the party being in a hopeless minority at the time, he was not elected.

In 1887, he was a member of the first Board of Freeholders appointed to draft a Charter for Kansas City, making it a constitutional city, and while the Charter prepared by that board was defeated, it was used as the ground-work of the Charter subsequently framed which was adopted.

In the educational life of his chosen city, Mr. Karnes has been a prominent factor. Becoming a member of the non-partisan Board of Education in 1869, he served successively as Treasurer, Secretary and President for a continuous period of thirteen years, retiring of his own motion in 1882. During his term of service, and largely through his intelligent supervision, the public schools of the city developed from small beginnings into one of the most complete and successful systems of education in the entire West. To him is the credit due for the establishment of the Public Library, now having more than 30,000 volumes, and which recently took possession of a commodious and well appointed building, erected at a cost of $200,000.

The public, after respecting his desire for relief from the cares of office, has again called him into service upon the School Board, where it is to be hoped he will consent to remain for life and continue to build upon the foundations so well laid by him and his associates more than a quarter of a century ago.

Mr. Karnes is a many-sided man. He recognizes that while the law is a jealous mistress, a lawyer has other duties to perform in the community in which he lives aside from the mere practice of his profession. He, therefore, early identified himself with the Commercial Club of Kansas City, an organization of business men and public spirited citizens which has contributed more largely, perhaps, than any other one element in the upbuilding of the city's interests, both at home and abroad, not only in a business way, but also in the way of public improvements and in its support of public charities. As Chairman of the Committee on Municipal Legislation, he has rendered most valuable service to the community, both in the discussion of measures that were proposed and in the promotion of such as promised substantial benefit to the public. A just recognition of his faithful performance of duty in that position is seen in his re-appointment from year to year, without question, by every incoming President of the Club.

As further evidence of his many-sided character, Mr. Karnes drew the charter and was one of the charter members of the Provident Association of Kansas City, that being the organization which has dispensed the charity of the citizens in a systematic way for a long period of years. He served upon the Board of Directors and gave much time to the work for several years after its organization and has been a constant contributor to its funds. Aside from this, however, many a man, woman and child will rise up to call him blessed for encouraging words and a helping hand in times of need.

While not a member of any church, Mr. Karnes is a firm believer in the great truths of the Christian religion, and his life and character attest the truth of the statement that he is daily walking in the "narrow way" of duty.

His virtues may be summed up in a few words: A good father, a faithful husband, a loyal friend, an eminent lawyer, a model citizen.

GARDINER LATHROP.

Kansas City, Mo.,
November, 1897.

HENRY SMITH KELLEY,

SAINT JOSEPH.

JUDGE HENRY SMITH KELLEY, LL. D., has been a prominent figure in the legal and political life of Northwest Missouri for thirty years, and before coming to this State, had asserted his strength as a lawyer, writer and a man in all the various places he chose as a residence. As Circuit Judge he upheld the majesty of the law for fifteen years, and as a legal writer he has added much valuable literature to his profession. His work on "The Powers and Duties of Justices of the Peace, Etc.," with practical forms and essays on various titles of law, published in 1869, is regarded as one of the best of its kind ever published, and has passed through three editions. "Kelley's Criminal Law and Practice," published in 1877, is considered one of the best compilations on that subject. In 1871 he published "Kelley's Probate Guide," a treatise on the law and practice of Probate Courts. On the organization, in 1873, of the Department of Law in the University of Missouri, Judge Kelley was appointed Lecturer on Criminal Law and Practice, and on Pleading and Practice, and held that honorable and responsible chair in the University for sixteen years. In 1879 he was employed by the Missouri Legislature to assist in the revision of the Missouri Statutes. Although he assisted in the revision of all the laws, he had especial charge of the criminal code, into which he introduced many important and beneficial changes. After removing to St. Joseph, he revised the ordinances of that city, and has been for many years one of the Central Law Journal's most interesting contributors.

Our subject's birth occurred near Cincinnati, Ohio, December 18, 1832. His father, Samuel, a native of Ohio, was a mechanic, having a cooper shop near Cincinnati, and employing about fourteen workmen. After selling this shop in 1840, he removed to Wayne County, Indiana, where he engaged in agriculture. Still following this avocation, he afterward lived in Henry and Grant Counties, Indiana. Our subject's paternal grandfather, William, emigrated when a young man from his native Emerald Isle, near Dublin, first settling in Pennsylvania and later going to Ohio, and was one of the early settlers near Cincinnati. In the War of 1812 he was in active service with his two sons, John and David, all of whom were in Hull's surrender. The wife of William Kelley was Miss Wallace, an aunt of Governor David Wallace, of Indiana, Gen. Lew Wallace's father. Mr. William Kelley, who was a well-to-do man in this world's goods, was one of the contractors for the Miama Canal, and was prominently connected with many public enterprises. Nothing is known of his ancestors in the Old Country, but he raised a large family whose descendants are living in different parts of the United States. Our subject's father engaged in farming in Indiana until his death in 1878. His wife, formerly

Miss Mary Holder, was born near Cincinnati, her parents of German descent, having emigrated there from Pennsylvania. Her death occurred in Grant County, Indiana, in the same year as that of her husband, 1878. Of her eleven children, ten grew to adult years, and five brothers of our subject were in the Civil War, on the Federal side; two of these, Samuel and William, dying while in the service. The others, Jonathan, Abraham and Daniel, served until the close of the conflict. Jonathan died in Benton County, Missouri, in 1896; the other two are still living.

Judge Henry S. Kelly's boyhood was passed in farm work and attending district school. He assisted his father in clearing his land after his removal to Grant County, and about that time attended the Marion select schools, working for his board and thus earning his tuition. The last winter he attended school he became acquainted with Mr. James Brownlee, the County Auditor, and boarded at his house. That gentleman assisted him in his study of law, as he was an attorney, while the young student helped him in his office. About this time he was assistant to the Postmaster, all the time, however, keeping up his studies. He was admitted to the bar in 1853 in Marion, Indiana, having practiced a little previously and being then only twenty years old. He was elected Prosecuting Attorney for the district in 1854, serving one term, and in 1856 was elected Judge of the Common Pleas Court, then thought to be the youngest Judge in the United States. He served in that position for four years, being only twenty three at the time of his election.

In 1861 Judge Kelley went to Dakota, locating at Vermillion, where he was honored by an appointment to the staff of Gen. James Bouge. In 1862 he was a candidate for Auditor of the Territory, but was defeated by fraudulent election returns from the Red River Country. He engaged in the practice of his profession, located and surveyed a road in 1862 from Lake Shetec, Minnesota, to Sioux Falls, South Dakota, and established a mail route. He also in 1862 located on a claim, but on account of Indian massacres and depredations, returned to Grant County, Indiana, his former home, after remaining the winter of 1863 in Sioux City, Iowa. His particular object in returning was to assist in the management of an important case. For a time he resided in Marion, Indiana, engaged in the practice of law, and also edited a newspaper, vigorously advocating the Union cause, and in the fall of 1864 located in Wabash and formed a partnership with Hon. Calvin Cowgill, where he built up a good practice and edited the Wabash Tribune, and stood by Congress in its opposition to the policy of President Johnson. He was Deputy Provost Marshal and served on the Board of Enrollment in 1864.

In August, 1866, the Judge removed to this State, locating at and practicing law in Savannah, and in 1869 was elected Alderman of the city. In 1870 he was a candidate for Circuit Judge on the Republican ticket, but was then defeated. In the spring of 1872, at a special election, he was nominated on the same ticket for the same office, and was elected Judge of the Twenty-ninth Judicial Circuit by a handsome majority. He was re-elected in 1874 and again six years later, serving in that position about fifteen years. In 1884 he was nominated on the Republican ticket as a candidate for Congress, running against James N. Burnes, but was defeated. In 1886 he was the Republican candidate for re-election as Circuit Judge, but a combination of the opposition defeated him. In 1888 he made the race no the Republican ticket in Buchanan County for Judge of the Criminal Court, but his party being largely in the minority, he was defeated.

Since 1887 he has made St. Joseph his home and has been actively engaged in general law practice. The Department of Law in the University of Missouri conferred upon



A. S. Kelley

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Judge Kelley the degree of LL. D. in 1882. He gave up his post as lecturer in that institution in 1889 on account of the pressing demands of professional business. He is not wealthy, but is comfortably situated.

In Sturgis, Michigan, Judge Kelley was married in 1855 to Miss Adalia Harlan, who was born in Marion, Indiana, and is the daughter of the Hon. Andrew J. Harlan, ex-Member of Congress and a prominent politician in Indiana, having served two terms in Congress and seven years in the State Legislature. For two terms Mr. Harlan was Speaker of the Missouri House of Representatives and for one term Speaker of the House in the Dakota Legislature. Being of Quaker ancestry, he was in sentiment a Free Soil Democrat, and assisted in organizing the Republican party, and has been an active Republican ever since. He is now in his eighty-third year, living at Savannah, Missouri, enjoying reasonably good health. He is a descendant of Michael and George Harlan, who emigrated from England about the middle of the Sixteenth Century, and whose descendants are very numerous and may be found in all parts of the United States, many of whom have occupied important positions as statesmen and jurists. Mrs. Kelley was reared and educated in Marion, Indiana, and also attended the St. Augustine Convent at Fort Wayne, Indiana. By her marriage she has become the mother of seven living children, namely: David B., who was educated at the University of Missouri, is a practicing attorney of St. Joseph. Samuel H., a graduate of the Columbia College, of Washington, D. C., from which he received the title of Bachelor of Laws, was Judicator of Claims in the United States Treasury Department from 1882 to 1885, and was then appointed Chief Clerk of the United States Land Office at Wakenney, Kansas, November 1, 1886. He resigned his position and removed, in 1887, to Scott City, Kansas, where he engaged in practice and also edited the Scott County News. Later he practiced with his father in St. Joseph. In 1888 he was nominated for the Legislature from Scott County, Kansas, but was defeated. Two years later he was nominated on the Republican ticket in St. Joseph, Missouri, for the Legislature, but was also defeated. In 1887 he was united in marriage with Miss Julia Graham, who was born in Berrien Springs, Michigan. He now lives at Benton Harbor, Michigan, and is engaged in practicing law. Henry S. graduated from the Ensworth Medical College of St. Joseph in the class of 1893. John M. is carrying on a farm in Andrew County. Mary is now Mrs. S. M. Marshall, of Lowry City, Missouri. Ralph and Thalia, who are now at home, complete the family.

Mrs. Kelley is a member of the Methodist Episcopal Church, and is an active worker in all its various departments. She is also prominent in the Women's Christian Temperance Union, having served six years as local President, and represented her society as delegate to the several State and National Conventions of that organization. The Judge is a member of the Ancient Order of the United Workmen and the Select Knights, and is a staunch Republican.

ALEXANDER WINFIELD KELSO,

GRANT CITY.

ALEXANDER WINFIELD KELSO is a "'forty-niner,'" not one of the golden Argonauts, but born in the year 1849. This year is memorable for the birth of many of Missouri's famous lawyers. His birthday was on October 19, in Grundy County. The sturdiness of the Scotch and the fervor of the Irish character are illustrated in him, and

are his by inheritance. His father was of Scotch parentage and a prosperous farmer, and came here from Indiana. The mother's family were Scotch–Irish. They settled in South Carolina. The father of this lady (the grandfather of Mr. Kelso) was a soldier who won renown as a Colonel in the War of 1812.

Young Kelso obtained his education in the public schools of Grundy County. Then he studied law in the office of Judge George Hall, and afterwards with Col. J. H. Shanklin, both of Trenton, Missouri, and was admitted to the bar at Trenton, Missouri, in 1874, by Judge Debolt.

While not yet fifteen years old he became a soldier in the Civil War, enlisting in Company A, Forty-fourth Missouri Infantry. This was in 1864. He served until 1865, being nearly all the time with General Thomas' corps in the campaigns of Tennessee and Mississippi, an instance of youthful valor and patriotism of which few can boast. Promotions would have been his in plenty had the war lasted and his years as a soldier increased.

In his character can be found a precocity remarkable. A soldier at fifteen, he became a Justice of the Peace on reaching the legal age, a position he held in Lincoln Township, Grundy County. For three terms he was Prosecuting Attorney of Worth County, from 1875 to 1881. It was shortly after his arrival in Worth County that he was appointed Prosecuting Attorney, to complete the unexpired term of R. T. Sloan, and his services were so faithful and efficient that his fellow-citizens saw fit to elect him twice afterwards to the same office.

Mr. Kelso as a lawyer does not believe in dwelling on trifles, for his mind and his talents are of too large a calibre. In debate, no subject is too complicated for him, and the more involved the topic under discussion, the more heartily he enters into the contest. He practices brevity and conciseness in speech, and he is brief and concise to a degree that carries conviction readily into the hearts of his auditors. Rounded rhodomontades and elongated alexandrines are not in his category of rhetoric. Many juries have confessed that he was their convincer, as much by his quaint directness of speech as by the forcefulness of his arguments. Juries do not doze when Mr. Kelso's voice rings through the court room, and the attention they pay to him is like that of the listener at a lecture by a profound scholar. They drink in every word and are refreshed, enlightened and convinced. Perhaps one of the secrets of his success lies in the simplicity of the man, which inspires confidence in the rectitude of all his utterances. Inequality in men is a thing he cannot consider when in forensic attitude, for then, by his earnestness and downright humanity he makes all men his equal. He has a fine habit of dragging up those below him and placing them at his side. He is one who appears to live for the highest objects for which men of culture strive, and his refinement is purely of the class which has been thrice through the crucible. Intelligent, beyond the current education of the day; erudite in all that relates to legislation and human character; pathetic in appeal and bold in denunciation, Mr. Kelso is a Missouri lawyer of whose talent his State should be proud. While fond of performing the hardest work in behalf of his clients, he is still a lover of relaxation. It is in these genial moments of ease that his intense humanity makes itself apparent. All the toil and bother of the court room are laid aside and forgotten, the enmities of dispute forgiven, and he becomes a playful boy again. He looks more to health than to wealth, because he believes happiness is the chief end to be sought, and that health contributes thereto in a much greater degree than wealth. Those absorbed in the pursuit of gain, though not his enemies, are still not his boon companions. While obedient to conventional usages, he

has an originality of intellect which marks out an independent course, and his independence is a prevailing factor in his successful career.

In 1884, when Mr. Cleveland was the Democratic nominee for President, Mr. Kelso was made Elector from the Third Congressional District. For several years he has been Chairman of the County Central Democratic Committee, and still holds that honored position. No State Democratic Convention is complete without him, and he has been sent as delegate so many times he has ceased counting them.

As Odd Fellow, Mason, Knight of Pythias and member of the Grand Army of the Republic, he has served his fellow-men with the integrity and good faith of a Spartan. In politics he is, as has been said, a Democrat, and as "straight" Democratically as a drawn string.

In September, 1875, in Grundy County, he was married to Miss Fanny Linnie, daughter of Dr. William Linnie, one of Grundy County's foremost physicans. They have two brilliant children. One is Arthur P., an attorney-at-law, who was admitted to the bar in 1897. The other is Edgar, a student, who lives at home, and promises to follow in his father's footsteps.

JOHN KENNISH,

MOUND CITY.

ONE of the rising men of the State is John Kennish, of Mound City, who is not only one of the best known lawyers of the Northwest, but also one of the most prominent young Republicans of the State. Mr. Kennish is a Manxman, having been born in the Isle of Man, November 11, 1857. He is the son of William and Katherine (Callow) Kennish, both families being of ancient occupation of that peaceful little island. William Kennish, the father, was a Methodist preacher and came to this country in 1870 with his family, his son, the subject of this sketch being then thirteen years old. The elder Kennish in his native country was a farmer and miller, as well as a minister, and the farm he sold, when he decided to emigrate, had been in his family for more generations than could be counted. When the family reached America they settled in Holt County, Missouri, and there the elder Kennish followed the vocation of a farmer until his death in the fall of 1897, his wife and helpmeet also dying within the same month.

John Kennish received his higher education at the University of Missouri, where he graduated in the class of 1884. He at once went to Kansas City and began the study of law in the office of John S. Crosby, and in August, 1885, he returned to his home county, and was admitted to the bar at Oregon, the county seat. Then he opened an office at the neighboring town of Mound City and is still established there.

He has been City Attorney of Mound City and Prosecuting Attorney of Holt County, having been elected to the last-named position in 1888. In 1890 he was again a candidate, but was defeated by a fusion of the Democracy and the Farmer's Alliance element. Two years later (1892), he was elected from the First Senatorial District to the State Senate, having the distinction of being the only Republican in the Senate of the Thirty-seventh General Assembly from that great stretch of territory north of the Missouri River. It was in the enlarged field thus offered him that he first gave the public an idea of his mettle. Although the opposition in the Upper House was overwhelming, the young lawyer did not permit that to intimidate him, but presented a courageous front on all occa-

sions and on partisan measures made such resourceful opposition as won the admiration of his fellow-partisans and opponents alike. He easily took rank as one of the leaders of the minority and played a conspicuous part in all the debates and acts of that session. His effectiveness naturally attracted the notice of the influential men of the party, and he was urged in 1896 to become a candidate for Attorney-General on the Republican State ticket. This sentiment respecting him was unanimous, and he was nominated at the party convention held at Springfield, without opposition. The ensuing canvass brought him before the people of the entire State, and wherever he spoke he made a good impression, which will doubtless redound to his benefit at some point in his future political career, for that he will have such a future can scarcely be questioned.

Young, popular, able, of fine address and winning personality, he is well equipped to make a name and reputation that will be the envy of every ambitious young man. He is an impressive speaker, and his words glow with vigor and eloquence. He has the talent to adapt himself to conditions, and whether addressing a mixed political gathering, a non-political assemblage, a jury, or a learned Judge, he always shows a remarkable sense of proportion and his ideas are admirably apropos. He is genial in manner and "warm-blooded," and has many qualities of head and heart to excite admiration and win friendship. He is a Master Mason and a Knight of Pythias, and is patriotically alive to the welfare of his State, county and town.

June 15, 1896, Mr. Kennish was married at Kansas City to Nellie, daughter of H. C. Offutt, senior member of the firm of Offutt, Elmore & Cooper, of Kansas City. Mrs. Kennish is a beautiful and accomplished lady, and those who know her believe she will contribute a full share to her husband's future success.

RANDALL REUBEN KITT,

CHILLICOTHE.

RANDALL REUBEN KITT, a native of Indiana, was born at Huntington, that State, January 24, 1845. The name Kitt is doubtless of English or Scotch derivation, though descendants of the family regard themselves as Pennsylvania Dutch. The solution is to be found in the fact that the family name was planted in that State far prior to the Revolution, but by long residence among and intermarriage with this sturdy and peculiar people for many generations, the family became and are Pennsylvania Dutch. This has led to the impression that this family name was of a derivation that conformed to its Keystone environment. Mr. Kitt's grandfather, who died at the advanced age of one hundred and two, was born in York County, Pennsylvania, in 1779. His father, Daniel Kitt, married Mehetable Morse, the mother of our subject, who came of an English family which settled in New York at a date even earlier than the Kitts found a location in the colony to the south. That they were of true pioneer stock, brave and adventurous, is shown by the fact that prior to the Revolution they penetrated westward and settled in Indiana, and from this branch the subject of our sketch is derived. Many of the family's descendants are to be found in various parts of that State to-day. The calling of the elder Kitt, who was a millwright and a cabinet maker, was of a nature that caused him to travel considerably, and hence his son's youth was spent in Indiana, Iowa, Missouri and Arkansas, where the family resided at various times.

Randall received the elements of his education in a private school of Adair County, his attendance thereat being terminated by the family's removal to Arkansas. There they were located when the Civil War began, at which time young Randall was about seventeen years old. The Union sentiments of both father and son soon forced them to leave Arkansas, the former going with his family back to Indiana. The son enlisted, May, 1862, in the Ninth Illinois Cavalry, with which he served until 1863, when he was relieved on account of sickness. After his recovery, in November of the same year, he re-enlisted with the Twenty-second Indiana Infantry, with which command he served until the cessation of hostilities. He served under Curtis, A. J. Smith, Sherman and Thomas, and participated in the various campaigns of those Generals in Arkansas, Tennessee, Mississippi, Kentucky and Georgia. He underwent many dangers, exposures and privations which permanently broke his health and from the effects of which he has suffered for over thirty years.

After the war he returned to Missouri, entered the State Normal at Kirksville and completed his education. Then he studied law under J. M. Davis at Utica, Missouri, and was admitted to practice by Judge Clark at Chillicothe in 1872. He returned to Utica and began practice as a partner of his preceptor, Judge Davis. From Utica he removed to Bedford, which like Utica, is one of the thriving towns of Livingston County. He remained at Bedford five years, and then returned to Utica in 1880, where he sojourned until 1890, in which year he removed to Chillicothe, the judicial seat of Livingston County.

Mr. Kitt is a Republican, willing at all times to serve his party up to the point of running for office. He has always drawn the line there, convinced that the law was sufficient to employ to the fullest the talent of any man. He is known by every citizen of the populous and rich county where he lives, and is held in the highest credit by his fellow-citizens. He is a member of the Masonic fraternity and of the Grand Army of the Republic, and has served as Commander of the last named organization. He is at this time President of the Exchange Bank, of Chula, Missouri.

Mr. Kitt was married January 20, 1874, at Bedford, Missouri, to Miss Miranda M. Davis, the beautiful daughter of W. T. Davis, a merchant of Bedford, and a brother of Judge J. M. Davis, Mr. Kitt's legal preceptor and former partner. Mr. and Mrs. Kitt have three living children: Paul Duane, a law graduate of Missouri State University; Kate, a graduate of Stephens Female College, of Columbia, a beautiful and gentle girl and one of the most popular in Chilicothe, of whose society she is a leader; and Laura, a minor, now attending the primary schools.

LOUIS CHARLES KRAUTHOFF,

KANSAS CITY.

LOUIS CHARLES KRAUTHOFF is a native of St. Louis and was born February 18, 1858. His father, Louis Krauthoff, born at Coblentz, Germany, emigrated to America in his youth and married Sophia Riseck. The subject of this biography is their eldest son.

The latter was educated in the common schools of St. Louis and Jefferson City, having removed to the State Capital with his parents in 1863. When thirteen years old he left the public school and became a merchant's clerk, serving as such for a year and a half, or until he quit to enter Washington University, St. Louis. He manifested a bright, quick intelligence and was a splendid student while at school, and though but sixteen when

he left the University, it was to take up the study of law. For this purpose he entered the office of H. Clay Ewing and J. L. Smith, at Jefferson City, and had completed his studies and was admitted to practice December 5, 1876, by Judge Dillon, of the United States Circuit Court, at Jefferson City. This made him a regularly constituted attorney at eighteen years of age. In the same year he was appointed City Attorney of Jefferson City and served as such and practiced law until he accepted the position of clerk offered him by Hon. J. L. Smith, then Attorney-General of the State. He accepted that post in 1877 and held it until the expiration of Mr. Smith's term in 1881. Mr. Smith was a man of perception, and recognizing the powers and possibilities of the young lawyer, then admitted him to partnership.

In 1882 the Democracy of Cole County named him as its candidate for the Legislature. He was elected, and although barely eligible to serve, on account of his youth, it was shown that this was a technical and not a real objection, by the fact that the Speaker, recognizing his ability, placed him on the following committees, some of which are important: Criminal Jurisprudence, Penitentiary, Benevolent and Scientific Institutions, Permanent Seat of Government, and the special committee on Judicial Circuits.

In 1886, desiring a larger field of practice, he located at Kansas City. The wisdom of this change is shown in the success that has followed it and in the prominence he has attained as a lawyer and as a citizen. On July 1, of the year above named, Mr. Ess retiring from the firm of Karnes & Ess, Mr. Krauthoff succeeded him. D. B. Holmes was admitted to partnership in 1889, and the firm style is now Karnes, Holmes & Krauthoff. The firm is one of the strongest legal associations in Kansas City. It devotes its attention largely to civil and corporation law, and has about all the business it can take care of.

Mr. Krauthoff is endowed with a splendid energy, and one of the elements of his success is a genuine love of his professional work. He is an eloquent speaker, is careful and industrious in his preparation of a case, and is a formidable cross-examiner. He is very positive in manner and strives always to be exact and truthful in everything. Although in years he is classed among the younger members of the Missouri bar, in knowledge of the law and ability he stands near the oldest and most experienced.

Since serving as the Representative of his county in the Legislature, Mr. Krauthoff has steadily refused to accept public office. However, he has accepted and served in such honorary positions as the Chairmanship of the Democratic Central Committee of Jackson County, and is now a member of the National Democratic Committee (Gold), a position to which he was elected at the Indianapolis Convention of 1896. His friends believe that should he conclude to enter public life he would make for himself a splendid name.

SANFORD BURRITT LADD,

KANSAS CITY.

SANFORD BURRITT LADD is a very modest man and few facts concerning his life have ever been given the public by him, and therefore his written biography is on that account a brief one. He was born at Milford, Michigan, September 11, 1844, and is the son of David M. and Martha A. Ladd. His mother, whose maiden name was Martha A. Hartwell, is dead, but his father is yet living and is hale and vigorous.

After the necessary preparation, he entered the famed University of Michigan at Ann Arbor, and after graduation, in conformity with the conclusion reached in family council and his own inclination, began the study of law. He chose an excellent and distinguished preceptor in the Hon. G. V. N. Lothrop, of Detroit, afterward Minister to Russia.

In 1868 he was admitted to the bar in Michigan, and in the same year struck out for himself, selecting Kansas City as the scene of his labors and at once opening an office there for business. For one year he practiced alone, and then entered into a partnership with John C. Gage, an association that has proved most compatible and mutually helpful, and which has existed to the present day, without any modification except the admission in 1882 of Charles E. Small to partnership, the style now being Gage, Ladd & Small.

After two years spent in establishing himself on first going to Kansas City, Mr. Ladd returned to Ann Arbor, and there in 1870, married Miss Clara L. Fuller, the sweetheart of his college days.

Since he went to Kansas City in 1868, Mr. Ladd has uninterruptedly there continued in practice. He has never sought any public office, but was President of the Kansas City Bar Association in 1892–93. He is a zealous worker and conscientiously enlists his whole effort and soul in every cause that he espouses. No case was ever lost by him by reason of lack of zeal or industry on his part. He is well read, well balanced in mind and character, and as a pleader before a jury is practical and impressive. His arguments are clear and concise, demonstrating the possession of an analytical mind.

He possesses the rare faculty of presenting a mass of complicated and involved facts so that Judge and jury have no difficulty in carrying them in mind through all stages of the trial and so that opposing counsel have no just ground to complain that relevant facts have been omitted or made unduly prominent, at the same time always distinguishing between admitted facts and controverted matters. It is this capacity to make a full, fair, lucid and logical recital of the facts of a case, without repetition, that makes him a welcome advocate in courts of review. In these courts, his presentation of the facts of a case is often all the argument desired. His practice is general in its character.*

HENRY LAMM,

SEDALIA.

ABOUT the time of the Revocation of the Edict of Nantes, the ravages of war and the sorrows of religious oppression along the Rhine, drove many Germans to America. They seem to have preferred the mild doctrines of the Quakers which, with the favorable grant Penn had obtained from Charles II., the desirable qualities of the soil and the picturesque features of the region, together with the "Charter of Liberties" granted by Penn himself to his colonists, attracted the attention of these Rhine emigrants and drew them to Pennsylvania. From 1690 onward they, with their compatriots who joined them, subdued the forests, made farms and built cities in the charming valleys of that great State, and

* Mr. Ladd possesses in a singular degree the power to state a case fairly and clearly, and it is reputed in Kansas City that he can present the facts of a case with such fine equity and effect that the opposing counsel can seldom find much to add thereto. Though, of course, stating the elements of a case so they will put his client's case in the best possible light, it is all done with such consummate tact and delicacy, with such apparent freedom from prejudice, that the justness and candor of the statement is likely to have a deeper influence with the jury than the most vehement partisanship. Judge Black, who in his official capacity has had opportunity to know him well, pronounces Mr. Ladd's ability in this line as something unequalled.

their handiwork is now seen and recognized as an enduring monument to correct morals, industry, frugality and thrift.

The Jamestown Cavalier and the Plymouth Rock Pilgrim have had their annalist and historian, but that no pious hand has ever gathered the traditions or written the annals of these simple, silent, patient, God-fearing and resolute German settlers, is not to be wondered at; for the Germans of that time had no national literature, no national life and no national voice, pride or hope. Germany was rent apart and parceled out among many feudal despots and foreign despoilers. It has been said there was not then a German sail on any sea, but it has also been said significantly of them to their credit that "slave," and no corresponding word, occurs in their language. Loving liberty with a rooted, if inarticulate and unobtrusive, affection, they followed "the star" westward and for many generations, so great was their conservatism, they and their descendants preserved with more or less fidelity their old customs, old notions and quaint ways. Even their language, finally corrupted by long and constant contact and friction with the all-surrounding, conquering English speech, into an unclassified and conglomerate dialect, or *patois*, known as Pennsylvania German, was preserved and handed down from father to son for nearly two centuries and yet may be heard at the fireside, though unknown to the printed page.

Henry Lamm was born on December 3, 1846, in Wayne County, Ohio, close to a small village then called Bridgeport, but now Burbank, shortly after his parents had moved from Pennsylvania with their older children and settled on a partly improved homestead. His father's name was William Lamm and his mother's maiden name was Catherine Zuver. They were of Pennsylvania German descent and it was probably due to the rugged insensibility to change so characteristic of this people, that the family name of Lamm was never anglicized, but was kept in the German form, though the Lamms settled east of the Alleghanies, in Berks County, 150 years ago. The paternal grandfather, Philip Lamm, with his family, crossed the Alleghanies, then a notable feat, with ox teams in 1806, when his son William was three years of age and, himself a farmer and belonging to a race of farmers, he cleared and made himself a home in the Mahoning Valley close to New Castle in what is now Lawrence County, Pennsylvania. He served in the War of 1812 on and about Lake Erie and one of the family traditions is, his either seeing, or hearing from those who did actually see, Commodore Perry shift his colors in the heat of the battle in Put-in-Bay, from his dismantled flag ship, the Lawrence, over to the Niagara in a small row boat within pistol shot of the hostile British cannon — a feat of arms unexampled, except in one or two instances, in all history.

There was born to Catherine and William Lamm ten children — six daughters and four sons — and Henry Lamm was the eighth child. This large family was respectably raised on a seventy-acre farm of medium land, a portion of which was in "Sugar Camp," in Northern Ohio. The mother was a gentle and deeply pious woman and the father a man of iron will, stalwart frame, and of settled and severe religious and political convictions. The problem of raising well so large a family on so small a farm was always a serious and perplexing one, but in this case through all the vicissitudes of hard times, ill luck, poverty and sickness, it was modestly and fairly well solved. Henry attended the winter district school two miles away, learned the trade of a broom-maker from his father and eldest brother, John, helped on the farm, had the ordinary adventures in the ordinary life of the ordinary country boy in the 'fifties and grew up an awkward, taciturn lad, fond perhaps of an argument, prone to books and, it is to be feared, to no small degree self-willed and dissatisfied



Henry Lamm

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with farm life. When he grew to be thirteen years of age he was sent to an academy at Caanan Center, in Wayne County, and, after a year or so attendance there and being determined on getting the advantages of a collegiate education, which his father was financially unable to give him, he set out alone into the world with the tacit consent of his father to earn money to pay for his schooling. At this time his brother John, to whom he owes many of the aspirations of his life, took charge of him and brought him to Iowa and sent him to Western College, at Western, in Lynn County, from which school, in 1865, still with the advice and assistance of his brother, he entered the freshman class of that year in Michigan University, and took his degree from that university in 1869 with credit. In those days this great university drew to itself thousands of courageous and ambitious young men, many of them, whatever may be the case there now, struggling with poverty and other untoward circumstances. It did not then require an heroic amount of pluck and grit to be poor there.

Many of the students boarded themselves, and Henry Lamm, with his room-mate and chum, James Du Shane, for a long time the head of the schools and now a successful lawyer of South Bend, Indiana, made a daring innovation on the traditional customs of that University by renting for a mere pittance a plot of ground north of the campus and building a cheap, warm, boarded-up "shanty" of two small rooms, one story high and with stationary bunks attached to the wall for beds. Here they cooked, ate, slept, studied, dreamed dreams and lived for three years, until their house burned, and were as well thought of as if they had spent a thousand dollars a year each instead of two or three hundred apiece as they did. In college he was liked, and from time to time complimented by his class-mates with college honors. On graduation he came directly to Sedalia to prepare himself for his long-before chosen profession — the law — and make his home. Being entirely without means, he earned his own living while pursuing his legal studies, and this he did by teaching school and accepting a deputy clerkship in the office of the County Clerk of Pettis County. In 1872 he was admitted to the bar. In 1873 he was appointed Circuit Clerk by Governor Woodson, and, after the end of his term in that office, in April, 1875, he commenced the active practice of the law with his present partner, P. H. Sangree, in Sedalia. The firm of Sangree & Lamm has been in continuous existence since its formation, and, not without material assistance from its junior member, has attained an unquestioned rank as a cautious, industrious, reliable, honorable, and hence successful firm of lawyers. They have, perhaps, the most expensive and best equipped library in Central Missouri, and it may be, the most extensive private law library in the State.

Mr. Lamm affects no specialty in his profession, but is a good, all-round lawyer, and whether presenting his case in his briefs, on his pleadings, to a jury, or to a Judge, he is not only interesting, but attractive and persuasive. He is excellent in preparing his case for trial, in sifting an antagonistic witness, in lucidity of statement, apposite illustration, in having a quick, resourceful, courageous mind, a close watch on and clear perception of the varying vicissitudes and incidents of a law suit, a glowing warmth of zeal for his client's cause, and finally, in presenting his case so as to get a verdict. In humor, in the use of the dangerous weapons of ridicule, sarcasm and invective, in the art of enriching his speech by an apt quotation, in the use of simple Anglo-Saxon words, and in decorating his arguments with the allowable adornments of literary finish, figures of speech, and dramatic interest, he shows the powers and excellences of an accomplished barrister.

He was twice elected Prosecuting Attorney of his county when the party to which he belongs was greatly in the minority, and left behind him a good record of industrious faithfulness to duty, fearlessness and success. During the great Gould strike in 1886, Sedalia was its storm center, and he earned the gratitude of all law-abiding people by upholding the law during a season of chaos and terror.

In politics Mr. Lamm is a Republican, but devoid of bitterness, and is a man of independence. He was largely instrumental in getting his party to pay the unusual compliment of endorsing at least one Democratic judicial nomination, and has openly maintained that view in regard to other judicial nominations. He has been a delegate to his party's National Nominating Conventions and has presided over its State Conventions, has declined to be nominated for Congress, and, while devoted to his profession, has taken a large and manly interest in public affairs, serving for years on the School Board of his city and as a director in and attorney for its banking and business institutions; is a member of the Congregational Church and a Mason, a reasonably successful business man, a sympathetic, earnest, genial and good friend to those who know him well.

In 1874 he married Miss Grace A. Rose, of Saginaw, Michigan, and blessed by her refined gentleness, he declares himself the happiest and most contented in his comfortable home, presided over by a loving, Christian mother, surrounded by his children, his pictures and his books.

HARRY LANDER,

BROOKFIELD.

HARRY LANDER, of Brookfield, is one of those genial, large-hearted, generous, highly competent men of whom Kentucky has been so lavish in her gifts to Missouri. He was the friend and brother practitioner of Lincoln, was admitted to the bar by Stephen A. Douglas, and was no less intimate with that great statesman. He has practiced law in the court of Judge David Davis, and was the friend also of that distinguished Illinoisan. For more than forty years he has practiced law on the circuit which includes his home.

Mr. Lander was born in Breckenridge County, Kentucky, August 15, 1826, and comes of Revolutionary forefathers. His father, Henry Lander, was born in Clarke County, Kentucky, in 1801. He married Lucy Cleveland, who came of an English family which settled in Virginia long prior to the Revolution and at a very early day spread into Kentucky. The Landers were of English–Welsh derivation, came to America at a day so remote that the date cannot be at this time exactly fixed, and settled in Kentucky as early as the days of Daniel Boone. The great grandfathers of Mr. Lander in both houses were Revolutionary soldiers. All his ancestors were pioneers of Kentucky and Virginia, those two States whose people are so near of kin, and in his independence and strength of character demonstrates that he has inherited much of the sturdy nobility of his forefathers, who battled with the wilderness, the Indians and the English.

In 1838, when Harry was about twelve years old, the Landers left Kentucky to seek a home in Illinois, doubtless feeling like Daniel Boone, that even at that early day Kentucky was becoming too cramped for their free and independent pioneer spirits. They settled in Knox County, Illinois, and there the son grew up and was educated. For that place and day he received an excellent education, the foundation of which was laid in the public schools and

completed at Knox College, in the county where he resided. At Knoxville he next entered the office of Julius Manning and prepared himself for the bar. He was admitted in 1846, being then twenty years of age, and had the honor of passing his examination before no less a person than Stephen A. Douglas, who was then Judge of that circuit, after which he entered into a partnership with Julius Manning. This partnership continued for some two or three years. Of the early struggles of a young lawyer of that period, of the people, time, circumstances and conditions surrounding his beginning, one may obtain a fair idea from the biography of Abraham Lincoln, for this great man and honored statesman "rode circuit" in that part of Illinois at that time, and young Lander often practiced in the same court with him. Of those days, and of his intimacies with this great statesman at a time when the white light of a world-wide publicity compelled no reservation of his natural self, and cast no deceptive shadows about him, Mr. Lander's memory is vivid, and owing to such exceptional advantages of observation he can talk most entertainingly and instructively about the most thoroughly American of all the Presidents.

After three or four years at Knoxville, young Lander changed the field of his labor to Peoria. During his residence at Peoria he officed next door to and was an intimate associate of Robert G. Ingersoll and his deceased brother, Clark, who were then partners in the practice of law. Many are the amusing stories he tells of the "times" he and "Bob" had while young men together. He practiced there until 1857, and then moved to Brunswick, Missouri, where he remained until 1860, in which year he removed to Linn County, where he has followed his profession to the present day, with the exception of a five years' residence in St. Louis. By a little calculation it will be discovered that Mr. Lander has been a licensed lawyer for fifty-two years, a career whose length has few duplicates in the lives of Missouri lawyers.

A year after locating in Linn County (1861), Mr. Lander enlisted in the military service of the Union, becoming a private in the Eighteenth Missouri Infantry. He served two years and was promoted and served part of that time as Provost Marshal. In 1863 he was appointed Judge of the Court of Common Pleas of Linn County by Governor Fletcher, in which position he served two years. After the end of this term he resumed private practice and did not again accept an office until 1881, when he was urged to run for the Legislature, was elected and took a leading part in the sessions of that body. In recognition of his legal attainments he was placed by his colleagues on the Judiciary Committee. At his home town he is considered a friend of the public schools and the cause of education, and has served a number of terms as a member of the Brookfield School Board. He is now at the head of the law firm of Lander, Johnson & Lander, composed of our subject, J. M. Johnson and the former's son, Harry P. Lander. He is a Democrat in politics, and as "straight" as any man who ever cast a vote.

Mr. Lander was married the same year he came to Brookfield (1861), to one of the fairest daughters of Chariton County. Her name was Martha McCoy and she was the daughter of George McCoy. The family came from Virginia and is one of the oldest families of Chariton County. Mr. and Mrs. Lander have one child, a son named Harry P. He adopted his father's profession and is now his partner in the law practice. He is a young man with a very promising future before him.

Mr. Lander is probably one of the best-known lawyers of the State. To not know Harry Lander of Brookfield, is almost to argue oneself unknown. He knew all the great lawyers who made the early bar illustrious, and has in fact been personally acquainted with

almost every public or professional man who has shown more than ordinary ability in Missouri for fifty years. There is scarcely a lawyer, politician, publicist, or distinguished man in the State but can hail him by name, and the hearty handshake they always give testifies their gladness at the meeting. He has that homeogeneous quality which makes him agreeable and likable in the highest degree—those traits of social sympathy which naturally attract his kind and win their confidence, for he instinctively inspires the feeling that he is of kin to every man. He has always been in recent years the friend and helper of the younger members of the bar, and to all men he has always displayed that width of charity which includes all humanity in a common brotherhood. He resents being called "Henry Lander," preferring the name Harry, which he considers a type of his democracy and which conveys the assurance that he is yet "one of the boys." His temperament is hopeful and optimistic, and the sunshine of his daily life has done much to dispel the shadows that fall athwart every human pathway. He is in moments of relaxation a delightful companion. Being gifted as a story teller, he can draw on the great storehouse of his experience indefinitely for incident and anecdote to illustrate his tale or point its moral. There is scarcely a man who has conspicuously appeared upon the stage of the State's history of whom he can not relate apt and interesting incidents which throw light on the characters and conditions of men and of days that are past. He has never permitted his popularity or his wide reputation to serve as a means to lead him away from the law, and is inclined to treat his term as a State Legislator as more or less of a jest. Undoubtedly, scores of times in his long career he could have had any honor a public or political career had to offer, but he has proved his devotion to the law by putting all such temptations aside. He is a very modest and unassuming man, so much so indeed that it is not by his willing consent, but solely through his friends and admirers that his sketch appears in this volume. He is thoroughly democratic in his way of life, is plain, simple and unaffected. He is a hater of sham, and all ostentatious show or make-believe excites his laughter. He is in a marked degree what he appears to be—a plain, unassuming, kindly, generous, sympathetic, sunshiny old gentleman. As a professional man his devotion has achieved a merited reward, not only in the fame he enjoys as an able lawyer, but in the pecuniary emoluments that come from an extensive practice. Although his practice is general, he is a specialist in a way, being known for his wide and deep knowledge of the laws governing land. Beyond doubt his fund of knowledge respecting the involved and intricate history of land transfers during the Spanish and French possession and since, is exceeded by no man in the State. He has treated of that subject in a special article in this volume, and that will serve to show his exhaustive knowledge in that field better than can be told by his biographer.

GARDINER LATHROP,

KANSAS CITY.

GARDINER LATHROP was born in Waukesha, Wisconsin, on February 16, 1850. He is the youngest child of John H. and Frances E. Lathrop. His father was a native of the State of New York and was graduated from Yale College in 1819. A few years thereafter he went to Gardiner, Maine, and engaged in teaching. His pleasant recollections of his early work there induced him in after years to name his youngest born after that beautiful New England town. From there he was called to Hamilton College, New York, where he



Gardiner Lathrop

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first filled the chair of mathematics, and afterwards that of constitutional and international law. In 1840 he was elected the first President of the University of Missouri, and entered upon his duties in 1841. This position he occupied with great distinction until 1849, when he was made Chancellor of the University of Wisconsin. After distinguished service in that State, he resigned in 1859, and was President for one year of the University of Indiana, from which he was recalled in 1860 to the University of Missouri, where he remained until his death, in 1866. The degree of LL. D. was conferred upon him by Hamilton, and he was recognized as one of the leading educators of the United States. The mother of Gardiner was fully the equal of his father. One of her uncles was President of Harvard College, and her family was one of the most distinguished of the State of New York. She shared all the honors and labors of her husband in his extended educational work, and was everywhere recognized and received as a woman of rare cultivation and refinement, of most charming personality, combined with the loftiest Christian heroism and fortitude.

In 1860, when Dr. Lathrop returned to Missouri, his son Gardiner was a lad of ten years of age, so that he can be claimed as a Missourian, of which fact he has always been proud, and the State has had no more devoted son. His preparation for college was had at Racine, Wisconsin, and in 1863 he entered the freshman class of the Missouri University, and was graduated in 1867 with the first honors of his class. His college record was one of the very best in the history of that institution. He had no preference in his studies, but was equally proficient in every department. This unusual intellectual equilibrium has been noticeable in all of his subsequent life.

After his graduation from the University of Missouri, and in the fall of the same year, he entered the junior class at Yale and was graduated in 1869, receiving the second honor of his class, which brought to him special gratification for the reason that it was the same honor his father had received just fifty years before.

In January, 1870, Gardiner Lathrop came to Kansas City from Columbia, Missouri, and entered the law office of Karnes & Ess, both of whom had been pupils of Dr. Lathrop at the University, and with whom the son had been long acquainted. In this office he pursued his studies most industriously until September, 1872, when he entered Harvard Law School, from which he was graduated in 1873, when he returned to Kansas City and entered upon the practice of the law. He formed a partnership with his brother-in-law, William M. Smith, a son of Hon. George Smith, formerly Lieutenant-Governor of Missouri. Both of the young men had been law students in the office of Karnes & Ess. After a few years Thomas R. Morrow was admitted to the firm. Owing to impaired health Mr. Smith retired, and the firm became Lathrop, Morrow & Fox. Subsequently S. W. Moore was admitted, and the firm now is Lathrop, Morrow, Fox & Moore. The first three are all Yale men, and the last from the University of Kansas. They are all men splendidly prepared for the profession and thoroughly devoted to the work. No firm in the West stands any higher.

The senior member, the subject of this sketch, is an exceptionally fine character. As a lawyer he stands in the very front rank. He has a clear and accurate knowledge of the law and is ready and practical in its application. He is strong both before court and jury, and never surrenders until every resource has been exhausted. As an advocate, his sincerity and earnestness make his manner most convincing, and render him ever an exceedingly

formidable adversary. His briefs in the Appellate Court always show his keen analysis, great discrimination and wide learning, and his name, so frequent in the reports, attests the demand for his service in that field. The mistake is often made by the young lawyer, conscious of superior equipment, that he aims to reach the topmost round of the ladder at one bound. Not so with Mr. Lathrop. He was content to begin at the bottom and took business as it came to him and demonstrating his ability and fidelity, more profitable employment soon came, until now he represents many of the largest interests in the community. He is the solicitor for the Atchison, Topeka & Santa Fe Railway in Missouri and Iowa, the general counsel for the Midland National Bank, was one of the leading attorneys in the great contest between the National Water Works Company and Kansas City, represents many of the leading mercantile and manufacturing concerns of the city, and has a business generally only measured by his time to attend to it.

As much as can be said of Mr. Lathrop as a lawyer, there can be said even more as a man and a citizen. He fully recognizes the fact that no man has the right to live for himself alone, but that he owes an obligation to society which ought to be fully and willingly discharged. Acting upon this, no worthy appeal for his voice or means is ever made in vain. Every charity receives his hearty support. The widow and the orphan are not turned away. Every public enterprise receives his aid and encouragement. For eleven years he was a member of the Board of Education of Kansas City, and no other member of that remarkable body of men brought to it more intelligent, faithful service. In politics he is a most earnest worker, and while a Republican of the strictest sect, he is ever ready to subordinate party zeal to the cause of good government. He has never sought office and seems to have no ambition in that line, though he has been urged to allow his name to be used for some of the most important positions in the State. He has been for several years a member of the Board of Curators of the State University, and in the work of putting that institution on its present splendid financial and educational footing his efforts have been unfaltering. He has been President of the Kansas City Bar Association, and his administration was one of the most successful in the history of that useful organization. He is a member of the Commercial Club of Kansas City, and is now Chairman of the Committee on State and National Legislation. He always has the time to turn aside the most pressing business to heed any call having for its purpose the betterment of the community. In his intercourse with his fellow-men he is honest and straightforward, but ever courteous and respectful of the opinions and feelings of others.

But the true character of Mr. Lathrop appears best of all in the quiet life of the home. His great devotion for so many years to his mother was most marked and beautiful. In her declining years it was his highest pleasure to bring to her every comfort love could suggest. He was married in 1879 to Miss Eva, the beautiful and accomplished daughter of Col. Nathaniel Grant, formerly of the army, and for many years before his death the most faithful and efficient Comptroller Kansas City has ever had. Of this happy marriage lovely children have been born, and surrounded by his family in his delightful suburban home in Southmoreland, Mr. Lathrop spends every hour he can steal away from his urgent business and professional engagements.

Of him it can truly be said that he is learned and skillful in the law, a Christian gentleman, an earnest, upright citizen, a kind neighbor, a loving, loyal husband, a gentle, affectionate father.

This sketch is from one who knows whereof he writes and simply speaks the truth.

WILLIAM SHERIDAN LEEPER,

KINGSTON.

WILLIAM SHERIDAN LEEPER was born at Monmouth, in the famed industrial county of Warren, Illinois, on February 7, 1865, his father being Isaac Leeper, who married Miss Jane Shellenbarger. Isaac Leeper was Superintendent of the Weir Plow Works, in Monmouth City. The parents removed to Missouri in 1873, selecting Avalon, in Livingston County, as their future home. The father was a machinist, and after he had pursued that vocation some time at his new home, he was elected Sheriff, and served, through re-election, from 1878 to 1882, resigning then to pass his remaining days in retirement and the enjoyment of ease. He is now out of business, and resides with his son, William S., in Kingston, Caldwell County. The Leepers are a Scotch family, and the originators of the American branch settled in Kentucky at an early day, being among our country's sturdy pioneers. The Shellenbargers are of German extraction, coming to Pennsylvania in the days of William Penn. These ancestors of Mr. Leeper served well and worthily in the War of the Revolution.

After a thorough tuition in the common schools of Chillicothe, Missouri, the latter developed his mental talents more fully at the Brothers' Academy, in the same place, and perfected himself educationally at Avalon College, graduating with high honors in 1886. Then his legal studies were prosecuted in the law office of Judge J. M. Davis, of Chillicothe, whose biographical sketch appears elsewhere in this volume. He was admitted to the bar in 1887. In the same week of his admission he opened an office in association with the noted Charles Mansur, lawyer and Congressman, the firm name being Mansur & Leeper, and the partnership continuing with unvarying success, until Mr. Mansur removed, through election to Congress, to the City of Washington, District of Columbia. Braymer, in Caldwell County, was then the scene of Mr. Leeper's labors, and there he practiced several years, removing in 1893 to Kingston, which is his present home and where for four years he has conducted his legal business.

Mr. Leeper is a Republican. As Prosecuting Attorney of Caldwell County in 1892 he was elected by the close majority of seventy, and two years later was re-elected by the handsome majority of 1,183, the largest ever received by any Republican office-seeker in the county. He was a member of the State Republican Executive Committee from 1890 to 1896, and from 1894 to 1896 was a member-at-large of the State Executive Committee, having control of the office in St. Louis in 1894, when his party swept the State. In all these years of political engagement he has displayed a capacity for the ready grasping of details and an executive force which combined, have given him the reputation in his community of being a most excellent manager. He is a Knight of Pythias and a Captain in the local camp of Sons of Veterans in his county, his father having served as a soldier during the late Civil War.

Mr. Leeper's marriage occurred at Chillicothe, Missouri. His wife was Gertrude, the daughter of Burlin Price, then a resident of Ohio, but now a prominent farmer of Livingston County, his farm being considered one of the best in development and advantages in the county. Lawrence Dean Leeper, a boy eight years, is the only child of the marriage.

FRANK MELVILLE LOWE,

KANSAS CITY.

FRANK MELVILLE LOWE was born September 27, 1860, at Davenport, Iowa. Samuel Lowe, his father, was a native of Indiana, and was for fifty years one of the honored ministers of the Christian Church. He was a cousin of Hon. William H. English, Vice-Presidential candidate on the Democratic ticket of which General Hancock was the head. Rev. Samuel Lowe was a man of a high Christian character, and from him the son inherits his oratorical gifts. His mother, Catherine (Pemberton) Lowe, was of a splendid Kentuckian family which has had to do with making the history of that State. She was a sister of the noted General Pemberton of the Confederate Army, and as wife and mother embodied the highest characteristics of womanly virtue. The profession of Rev. Lowe made his place of abode a movable one, and so when the son was one year old, the family removed from Davenport, Iowa, to Missouri. Five years were spent in this State, the residence finally being terminated by a call on the father to take charge of a church in McLean County, Illinois. There the next ten years of the boy's life were spent, and there also he received the greater part of his education. He has always been an enthusiastic reader, and hence the instruction of the schools was but supplementary to his own efforts. At the age of sixteen he is again found in Missouri, located at Savannah, the county seat of Andrew County.

He studied law in the office of Strong & Mosman, one of the most prominent law firms of St. Joseph. He was in his seventeenth year and young for a law student. He was admitted to practice by a St. Joseph court in 1880, and located at Rockport, the county seat of Atchison County. There he became a candidate for Prosecuting Attorney in 1882, and was elected, being at that time but twenty-two years old.

On the expiration of his term in 1884, Mr. Lowe decided to locate in Kansas City, whose phenomenal development at that date held out allurements to the young man of energy and ability that his ambition would not allow him to resist. Since that year he has made Kansas City his home, and has attained a prominence and standing whereby he now enjoys a satisfactory practice.

He is more especially adapted to the criminal branch, and his friends believe he will some day make a name for himself as a criminal advocate. The trial of Charles E. Myers was one of the notable cases which served to show his ability and resourcefulness in behalf of his client. Myers and one Bogard murdered John Wear at Independence. The case was a black one for the murderer, and although he expected "short shrift" at the hands of the law, as shown by his plea of guilty entered on arraignment, the case finally became one of the great and lengthy legal battles of Missouri's criminal history. On the entry of the plea of guilty, the Court appointed Mr. Lowe as the miserable man's defender. The latter withdrew the plea of "guilty" and entered that of "not guilty." That none could have filled the office of defender better, is proved by the result. The evidence of guilt was con-



Frank M. Lowe

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clusive, and twice was the murderer convicted and sentenced to hang, but solely through his attorney's inexhaustible expedients, he was given the third trial and saved from the gallows by a verdict of insanity. If ever there was a case which had no supporting powers of its own and whose dead weight of damning evidence had to be borne solely by the strength and legal resourcefulness of the attorney, it was this.

While Mr. Lowe has attained a solid position at the bar, all his honors have not come through legal channels. In 1888 he was the candidate for Governor on the Prohibition ticket, and although the Constitution, on account of his youth, would have forbidden his acceptance of the office, had he been elected, he made one of the most remarkable and brilliant campaigns in the political history of the State. He spoke in 109 of the 114 counties of the State and polled the full vote of his party. He has always taken a high ground in politics, and believing that the best theories were only negatively virtuous if inoperative, he has always been a Democrat. In 1896 he was a candidate of this party for Prosecuting Attorney of Jackson, and his popularity is shown by the fact that he was elected by the biggest majority ever given a candidate for any office in the history of the county.

September 15, 1882, Mr. Lowe was married to Miss Ona May Lowe, his cousin. They have two children, a girl of fourteen years and a boy of ten.

JOHN H. LUCAS,

OSCEOLA.

A LAWYER who has achieved reputation and wealth in his quarter of a century of practice is John H. Lucas, of Osceola, who, settling in that town twenty-six years ago, has seen that part of the State develop from a primitive to a highly civilized condition and has been a prominent factor in shaping the plastic material from which this civilization was erected. He is another of the long line of Kentuckians who adorn this work, having been born at Danville, Boyle County, Kentucky, February 6, 1852, and therefore, is now in the prime of life. His boyhood was passed amidst the scenes of conflict and bloodshed of the Civil War, and the acts of that great tragedy which he witnessed at the most susceptible period of his life, did not fail to impress him profoundly. When peace had once more made civil pursuits possible, his father engaged in the mercantile business, and his son, when old enough, clerked in the store. But a commercial career was not to his taste and he early conceived the plan to adopt some vocation better adapted to his talents, and hence he chose the law and began on the "horn books" while still employed as clerk. He applied himself to good purpose and was far along in his studies before he reached his nineteenth birthday.

In 1871, being then nineteen years old, he left his native place, with the object of bettering his condition, and located at Osceola, Missouri. He at once resumed and completed his professional studies and was admitted to the bar there in 1872. Southwest Missouri was then in process of settlement, and in this formative period, litigation crowded the courts and thus the young lawyer's services were in instant demand. He was not forced to pass through that trying hiatus known as the initial "wait," common to the early part of nearly every legal career. In 1874 he formed a partnership with William T. Johnson, son of the Missouri pioneer, gifted lawyer and statesman, Judge Waldo P. Johnson.

In 1883 Mr. Lucas' brother, William H. Lucas, was admitted to the firm, and so constituted, it still exists and has gained strength and prestige with each succeeding year.

In 1879 the firm opened an office in Kansas City, and Mr. Johnson located there to assume charge of that end of the business. Of recent years their business has been very largely connected with corporations, and to this branch Mr. Lucas gives almost his entire time. Although for years the firm has controlled nearly all of the legal business of St. Clair County, its field of practice includes all of that vast, rich territory known as Southwest Missouri, and thus it is that Mr. Lucas is a familiar and frequent visitant to courts of the different counties. He is also no less well known in the appellate courts, and his name frequently appears in connection with a great variety of the involved and important causes to be found in the reports of these tribunals.

In manner Mr. Lucas is suave, kindly and considerate. He is an industrious worker and his broad experience as the representative of various corporations has given him a fund of experience which is worth all theories in the books. He excels in thorough analysis, not only of the facts but of the law as applied to the facts. He has never believed that the surmises of intuition could supply the labor necessary to prepare a case properly. His examination of a witness is as delicate as it is searching, and he gets that by tact and gentleness which many lawyers would fail to compel by their methods of unfeeling "bulldozerie." In presenting the vital points of a case to either court or jury he has no superior. He has often spoken in behalf of the Democratic party, of which he is an active and enthusiastic member, from the hustings, in country school houses, in court houses, and in the various conventions of his party. But he is too busy and too true a lawyer to take any but a personally disinterested concern in politics, and hence he has accepted that only which has carried no sacrifices of his legal position, and which was altogether honorary. Such honors have been his in almost every campaign, one of the most important being accorded him in 1888, when he was made the Presidential Elector for the Sixth District. He has a very large personal acquaintance throughout the State, and his winning manner and kindly disposition have not failed to popularize him wherever he is known.

Mr. Lucas was married in 1870, the year prior to his emigration from Kentucky. He chose as a life partner, Miss Nannie Cardwell, of Harrodsburg, Kentucky. The couple have four living children — Lula, now the wife of George B. Linney; William C., the only son, who is now a junior at the Missouri University; Sophia, who married J. W. Terwilliger; and Sue-Bell, who is a school girl and is yet in her father's house. Mr. and Mrs. Lucas are active members of the Methodist Episcopal Church and are known as the most generous promoters of its charities and auxiliary organizations.

SAMUEL C. MAJOR,

FAYETTE.

THE father of Samuel C. Major was for a long period one of the foremost figures at the bar in Central Missouri, and perhaps it is to the guidance of the father that the son can attribute a part of his legal accomplishments.

Mr. Major was born in Fayette, Howard County, Missouri, July 2, 1869, and received a generous education, first in the public schools of his neighborhood, then in Central College, at Fayette. Later he studied at the St. James Military Academy, in Macon,

Missouri, of which institute he is a graduate. Then, deciding to follow in the footsteps of his father, he chose the law as his profession, and studied in the father's office, being admitted to the bar at Fayette in 1890 by Judge Hockaday.

Our subject's father, Samuel C. Major, son of Samuel C. Major, took for his wife Ione Talbot, the daughter of Dr. John A. Talbot, a prominent physician of Howard County, her brother being Bishop Talbot, an eminent Episcopal prelate of Idaho. The Majors and the Talbots were originally English, but their descendants fought on the American side during the Revolutionary War, the Majors having arrived in Virginia in 1660. After the War of the Revolution they removed to Frankfort, Kentucky. From Kentucky the grandfather of the present Mr. Major emigrated to Missouri, settling in Howard County in 1829, and marrying Miss Elizabeth Daly. His son, the father of our subject, was a well known publicist and lawyer of ability, of whom a fuller account may be found by reference to page 401. On his father's death, in 1894, the son succeeded to his law practice, and has displayed not only an inherited force of character, but a mentality and capability closely akin to those of his parent. During the seven years of his practice he has on no occasion had a client whose gratitude and appreciation he did not fully earn in the conduct of the case in court.

In March, 1891, he was appointed to fill out the unexpired term of Oswald Barton, Prosecuting Attorney of Howard, and proved so efficient that he was elected to the same office for the two following terms. With his partner, Stonewall Pritchett, he has shown himself to be a member of one of the brightest and most promising law firms of Howard County. Mr. Major has never practiced outside of Fayette, and enjoys the distinction of being the third of his name to hold office in the county.

He is a Democrat, and during the past eight years has made a name for himself of being as hard a worker politically as he is in the practice of law, holding that the principles of his party are above individual considerations. For these reasons it could safely be assumed that ere long he will, like his father, be honored with an offer of office by his fellow-citizens which may reach the eminence of a Congressional nomination. In the secret orders he stands well, having as a Pythian held the position of Chancellor Commander, and as a member of the Odd Fellows and of the Royal Tribe of Joseph, he has combined the doing of good with the making of friends.

In marriage he has been unusually happy in choice, his wife being Miss Elizabeth Major Simpson, a daughter of Gen. Samuel P. Simpson, of St. Louis. The wedding occurred December 17, 1895.

WILLIAM McAFEE,

KINGSTON.

SELF-EDUCATED men are the most successful in life, and this remark applies with remarkable accuracy to the case of William McAfee. With the exception of one year's tuition at what was known as Johnson College, in Macon City, Missouri, under the supervision of E. W. Hall, and which is now the St. James Military Academy, his education was limited to attendance at the common schools of his neighborhood. Then followed his study of law at the office of Dunn & Johnson, the partners being Lemuel Dunn, now deceased, and the Hon. Crosby Johnson, at present of Hamilton, Missouri. After a course

of three years' legal training of the most thorough kind, Mr. McAfee was admitted to the bar at Kingston, Missouri, on June 25, 1876. He has been a resident and practitioner at Kingston ever since.

The history of the ancestors of Mr. McAfee is of peculiar interest to the descendants of the old pioneers. Our subject was born at Blue Lick, Clark County, Indiana, on September 19, 1850, and moved with his parents from there to Kewanna, Fulton County, in the same State, when seven years old. His father, Hamilton McAfee, is still living. His paternal grandfather, whose name he bears, was William McAfee. He was an intimate friend of Daniel Boone, and was one of the four McAfee brothers who assisted the famous old Kentuckian in building the fort and town of Boonsboro, Kentucky. The brothers also rendered good service in aiding that pioneer in his defense of the place against the hostile incursions of the Indians. The original McAfees were natives of the North of Ireland. Hamilton McAfee, the father of the subject of this memoir, was a valiant soldier of the late Civil War, having been First Lieutenant of Company E, Eighty-seventh Indiana Volunteers. The maiden name of the mother of Mr. McAfee was Hannah Hosea, her father, William Hosea, coming from Vermont, and settling in Washington County, Indiana, early in the century.

His youth was a laborious one, embracing work on the farm all day and brief snatches of study at all such odd moments as farm work will permit. For this reason his education and intelligence have in them the natural healthfulness resultant from the combination of outdoor toil with indoor study. It is safe to assume that his sturdiness, mentally and morally, had its source in the farm work of his boyhood. Leaving home at the age of eighteen, with but slight advantage in the matter of education, barely being able to read and write, he built himself up to his present fine legal position through his own independent resourcefulness. Like many another disciple of Blackstone, he taught school several terms while striving to equip himself professionally.

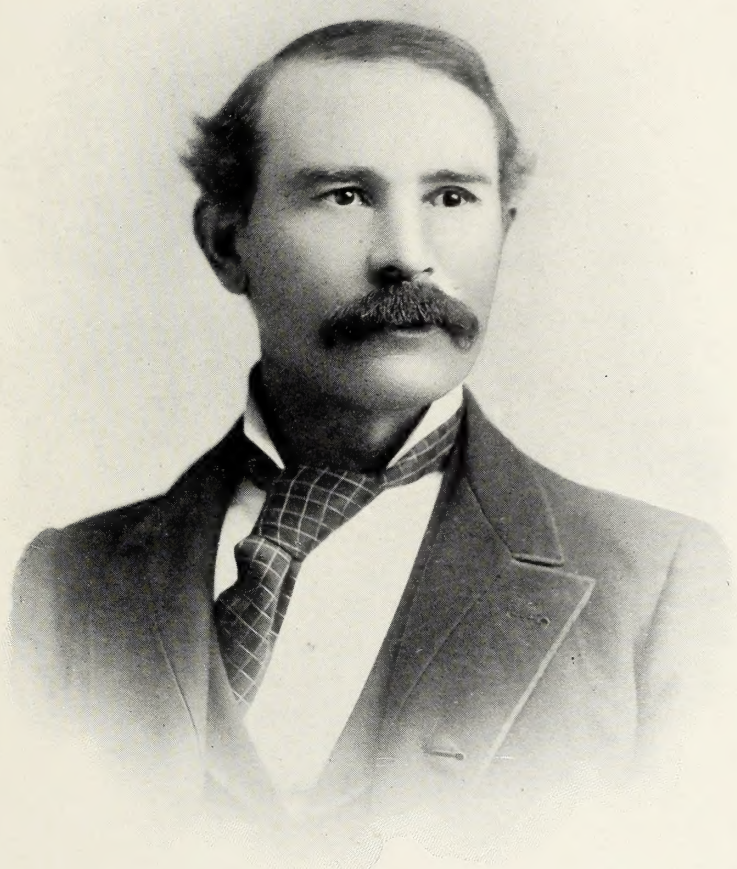
He has three times been Prosecuting Attorney of Caldwell County, the first term resulting from the annual election in 1876, for a period of two years, and his re-election, in the fall of 1878, for two years, came as the natural consequence of his constituency's appreciation of his fidelity and official devotion. He was again nominated and elected to the same office, serving one term, from January 1, 1887, to January 1, 1889. During his service of two years as Mayor of Kingston he instituted several necessary reforms and improved the community in many ways. As Mason, Odd Fellow and Knight of Pythias he is a prominent fraternalist in his section, having been for many years treasurer of the I.O.O.F. lodge in Kingston.

On April 1, 1875, he married Miss Mariam Johnson, by whom he has two children, Agnes, a bright girl of sixteen, and Emmet, an equally promising boy, six years old.

JOHN W. McANTIRE,

JOPLIN.

THE populous and enterprising County of Jasper can naturally boast of having among its citizens some of the most eminent lawyers in Southwest Missouri, and one of the foremost in this class is John McAntire, the subject of this brief biography.



J. W. McAuliffe

The founders of the American branch of the McAntire family were three brothers who settled in North Carolina at an early day, one brother subsequently removing to Virginia, and his descendants emigrating from there to Kentucky. John W. McAntire was born in Hardin County, Kentucky, October 13, 1848, his father being Aaron B. McAntire, who married Sarah Hills. From Kentucky the McAntires traveled westward, in 1849, to Missouri, where they settled in Scotland County. Young McAntire began his education at a country school house, then his parents moved to Memphis, Missouri, where he continued his schooling, and afterwards attended La Grange College for one term. He taught school for several terms and after beginning the study of law, held the position of principal of Memphis public school for a short time on account of the resignation of the principal of the school. He then studied law in the office of Cramer & Peters, at Memphis, Missouri, and was there admitted to practice in September, 1872. After admission to the bar he decided to make Joplin his future home, and has been practicing in Jasper County ever since.

During the quarter of a century Mr. McAntire has spent in Jasper County he has several times been honored by his fellow-citizens with responsible officio-legal positions. During the second year of his residence there (1873) he was made City Attorney of Joplin. In later years he was elected and served three terms. During the two years from January 1, 1879, to January 1, 1881, he held the position of Prosecuting Attorney of Jasper County, and performed his duties with fidelity and success. He is at present local attorney for the Kansas City, Pittsburg & Gulf and the St. Louis & San Francisco Railways, in Joplin, and is also attorney for the Miners' Bank and the First National Bank, of Joplin.

Though Mr. McAntire is one of the best-known citizens of Joplin, his fame as a lawyer is not confined to that city, but spreads through the whole of Southwest Missouri. Wherever he has performed any legal duty during the past twenty-five years his work has been remembered with honor and his reputation enhanced. He has been, throughout his career as a lawyer, a keen observer, allowing no feature of a case, however trifling, to escape utilization; and his skill in grasping and managing details is as great as his power to amalgamate them into one harmonious whole for more forcible presentation in court. This capability he often exhibited as attorney for his clients in either important or unimportant cases, which accounts in a large degree for the success which has crowned his work as a lawyer. In his conduct of a case, logic is more highly valued by Mr. McAntire than oratory and eloquence, and he would always rather persuade a jury by calm statement than by an exercise of forensic art. He studies his case before he takes it into court and devotes great care and attention to his briefs.

Mr. McAntire has invariably been one of the leaders in the conduct of all public enterprises in that section from which his town and county were expected to derive benefit. He has never confined his energies to the promotion of any one class of public improvements, but has willingly lent head and hand to the furtherance of any project beneficial to his city and county. He prepared the bill providing for terms of Circuit Court in Joplin, and took great interest in obtaining the passage of a law by which money could be appropriated to build a court house in a place other than the county seat, to the end that Joplin might have a court house.

As an Odd Fellow and a member of the Ancient Order of United Workmen he has repeatedly demonstrated his fraternalism and devotion, and is a prominent Odd Fellow in his part of the State. The holding of public office has never had much allurement for

him, outside of City and Prosecuting Attorneyships; and he has therefore never sought any other office, yet as a Democrat he has for years been a leading figure in the councils of his party, and to his efforts and the efforts of those like him, can be attributed much of the growth of the Democratic party in the Fifteenth Congressional District.

Mr. McAntire's marriage occurred shortly after he settled in Joplin, his wife's maiden name being Mary E. Lamkin, and the ceremony taking place June 18, 1873. They have three fine children, Clarence A., Bertha M. and John W., Jr. Mrs. McAntire was born in Fayetteville, Arkansas, her father having been William Lamkin. Her mother, who before marriage was Miss Callahan, was a cousin of ex-Governor Charles Hardin, of Missouri.

GEORGE WASHINGTON McCRARY,

KANSAS CITY.

GEORGE WASHINGTON McCRARY, son of James and Matilda McCrary, was born near Evansville, Indiana, August 29, 1835, and died at St. Joseph, Missouri, June 23, 1890. His short life of fifty-five years was a remarkable one, viewed from any standpoint, and history furnishes a no more striking exemplification of the possibilities of American citizenship.

He was one of a family of thirteen children, was of Scottish descent, his ancestors having immigrated from Scotland early in the Eighteenth Century, and settled in the neighborhood of the present town of Gettysburg, Pennsylvania. His great grandfather, James McCrary, served as a Captain in the Continental Army during the Revolutionary War. His mother's maiden name was Matilda Forrest. His parents were poor and his chief inheritance was a vigorous constitution, a logical and well balanced mind, and a predisposition to morality and purity of character. In October, 1835, the family removed to McDonough County, Illinois, and in 1837 pushed on toward the western frontier, settling in what is now Van Buren County, Iowa. Their home was within a few miles of the Missouri line, and was in the "Disputed Territory" then claimed by both Missouri and the Territory of Iowa. Here the boy grew up in hard work, acquiring such an education as the common schools of the locality afforded, and reading such books and newspapers as could be obtained. Later he attended an academy near his home, and there acquired a good English education and received considerable instruction in the higher branches of learning.

In 1855, at the age of nineteen, he entered the law office of Rankin & Miller, at Keokuk, Iowa, as a law student. His preceptors were Col. John W. Rankin, widely known as an able lawyer, and Samuel F. Miller, afterwards a member of the Supreme Court of the United States.

Mr. McCrary worked hard and was admitted to the bar in 1856. He at once commenced the practice of the law at Keokuk, and soon after formed a partnership with one of his instructors, under the firm name of Rankin & McCrary. Possessed of strong anti-slavery convictions, he cast his lot with the new Republican party, his first vote being for Fremont for President, in 1856. In 1857, at the age of twenty-two, he was elected a Republican member of the Lower House of the Iowa Legislature from Lee County, and four years later was chosen a member of the State Senate, where he served for four years. Dur-



Geo. M. McCrary

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ing the first two years of his Senatorial term he was Chairman of the Committee on Indian Affairs, at that time the most important committee of the State Senate; and during his last two years he served as Chairman of the Judiciary Committee.

In 1868, at the age of thirty-three, Mr. McCrary was elected to Congress from the First Iowa District. He was re-elected to the Forty-second, Forty-third and Forty-fourth Congresses, and served with marked ability and distinction. While in Congress he was assigned to membership on the Committees on Naval Affairs, Revision of the Laws, Railways and Canals, the Judiciary and Elections. In the Forty-second Congress he was appointed Chairman of the last named committee by Speaker Blaine, and in that capacity induced the House of Representatives, probably for the first time in its history, to consider contested election cases upon their merits, irrespective of party affiliations. As Chairman of the Committee on Railways and Canals of the Forty-third Congress, he prepared a report on the constitutional power of Congress to regulate interstate railway commerce and vigorously supported a bill embodying the recommendations of the report in the long debate which led to its passage in the House. In the Forty-fourth Congress, as a member of the Judiciary Committee, he became the author of a bill under which the judiciary of the United States was reorganized. Probably Mr. McCrary's greatest service to the country as a Congressman was in the authorship of the measure proposing the appointment of an Electoral Commission, the adoption of which brought about a peaceful solution of questions which had arisen concerning the result of the Presidential election of 1876, and which must now, in view of the dangers which it obviated, be regarded as wise statesmanship, no matter how we may differ as to the justice of the decision reached. He was one of the joint committee which framed the electoral bill and afterward acted as one of the Republican counsel before the Commission, and in a strong legal argument, sustained the election of President Hayes.

In 1877, at the age of forty, Mr. McCrary became a member of President Hayes' Cabinet, having the portfolio of Secretary of War. During his administration of this department, the first systematic work preparatory to the publication of the official records of the War of the Rebellion was begun; the Signal Service Bureau was improved and connected with similar institutions abroad; and the authority of the department was construed by the Secretary for the first time to be sufficiently broad to authorize the issuing of tents, blankets and rations to persons rendered destitute by pestilence, the occasion being the destitution in Southern Mississippi, resulting from an epidemic of yellow fever.

In December, 1879, Secretary McCrary resigned from the Cabinet to accept the appointment of United States Circuit Judge for the Eighth Judicial Circuit, and assumed his duties in January, 1880. Despite the fact that he came to the bench fresh from political life, where lawyers are, as a rule, ruined rather than made, he had still throughout his political career continued the practice of the law, both at the bar of his own State and before the Federal Courts. Furthermore, his work in Congress had run principally along the lines of legal and constitutional research; thus he brought to the bench a degree of legal attainment, which, aided by a natural judicial temperament, enabled him to discharge the duties of his position to the satisfaction of a bar which had grown critical under the Judgeship of his distinguished predecessor, Judge Dillon. His decisions as Circuit Judge are comprehended in the five volumes of "McCrary's Circuit Court Reports."

On March 1, 1884, Judge McCrary resigned from the bench and accepted the position of General Counsel for the Atchison, Topeka & Santa Fe Railroad Company, with his headquarters at Kansas City, Missouri. His residence in Missouri dates from this period and for the balance of his life he remained a citizen of this State. Soon after his removal to Kansas City he became a member of the law firm of Pratt, McCrary, Ferry & Hagerman, and this relation continued unbroken during his remaining days. In 1885 he was elected President of the Missouri Bar Association. During his service on the Committee on Elections in Congress, he laid the foundation for his book on the "American Law of Elections," which was first published in 1875, and which through subsequent editions has remained a leading authority on this subject, both in Congress and among lawyers. In 1877 the degree of LL. D. was conferred upon him by Iowa College, of Grinnell, Iowa, and on December 4, 1886, he was elected an honorary member of the loyal legion of the United States.

Judge McCrary was a Unitarian in religious belief. There was no uncertainty in the tone of his Christianity, and he vigorously combated the effort made in 1886 by certain Unitarian Churches to commit that denomination to a purely ethical belief, declaring that his church stood "for a positive faith in God, in immortality, in worship and in personal righteousness as exemplified in the teachings of Jesus Christ." He was a contributor at various times to the leading periodicals upon questions of public interest, and frequently engaged in other lines of literary work.

At the National Republican Convention in 1880, when it became apparent that neither of the leading candidates for President could be nominated, Judge McCrary's name was mentioned as one on whom the anti-Grant delegates could unite, and a committee waited upon him to secure permission to use his name for that purpose, but he forbade it. He, however, received one vote for President. A few months before his death he was favorably mentioned for Associate Justice of the Supreme Court of the United States to fill the vacancy then existing.

In 1857 he was married to Helen A. Gelatt, a talented Iowa woman, who through the constant progressions of his life proved to be a worthy helpmeet and companion, and who now resides at the old family home in Kansas City. Five children were born of the marriage, two sons and three daughters, all of whom survive him. The youngest son, George H., is now a practicing attorney at Kansas City.

It has only been possible in this limited space to outline the happenings of a life so full of activity and achievement. But the wealth of accomplishment and the rapid but orderly development here portrayed proclaim no ordinary man. Almost continually in office for twenty-five years, and serving successively in the legislative, executive and judicial departments of the Government, he not only performed the duties of each office with fidelity, but demonstrated his capacity for work by coming out of each a better lawyer than when he took the office. Although never defeated for office, he never resorted to any of the artifices of the politician for success. In every instance the office in reality sought the man.

His private life was singularly sweet and pure. He seemed to live serenely above the ordinary strifes and passions of life. He was unostentatious in manner, sound and deliberate in judgment, temperate in speech, generous in disposition, but earnest and fearless in his

convictions — a "reasonably modest, learned man." He was devoted to his family, true to his friends, fair with his opponents; enemies he had none. Of him it may most truly be said:

"His life was gentle and the elements
So mixed in him that nature might stand up
And say to all the world, this was a man."

Kansas City, Mo.,
February, 1898.

HENRY L. McCUNE.

HENRY L. McCUNE,

KANSAS CITY.

HENRY L. McCUNE, one of the younger members of the Kansas City bar, was born at the little town of Ipava, Fulton County, Illinois, June 28, 1862. The blood of two excellent families unites in his veins and he is the inheritor of tendencies and high attributes which are the most valuable legacy that can be bequeathed any son — a worthy and unsullied name, an inclination toward and a love of the best and higher things of life and an ambition to attain them. His father, the Hon. Joseph L. McCune, was a native of Ohio, was of Scotch–Irish extraction and descended from a family that reached these shores at an early day. He was a leading banker and merchant of Ipava, and one of the influential men of his section of Illinois. He took deep interest in political affairs, and up to the time of his death in December, 1893, was one of the leaders of his party and was sent by it to represent his county in the State Assembly. His widow, who yet resides at the old home in Illinois, was born in West Virginia, and was before her marriage, Martha E. Quillin. She is the daughter of a Presbyterian minister and of English descent. Her family is among the oldest and most honorable, dating its American foundation from Richard Woodhull, who came to America some time in the year 1600 and located on Long Island, where the family continued to reside until after the Revolution, and where some of his descendants may yet be found. She traces her family, which is related to the noted Woodhull and Hedges families of England, back in unbroken line to the time of the Norman conquest in 1066.

The subject of this sketch is the eldest of a family of seven children. He was reared in the town of Ipava and there obtained his common school education. When he had completed such preparation he, at the age of fifteen, was sent to Illinois College, at Jacksonville, remained there two years, and in 1879 entered the University of Illinois, at Champaign. He graduated in the class of 1883, and having prior to this decided to adopt the law, entered the office of Morrison & Whitlock, at Jacksonville, Illinois. This reading was supplemented by a thorough course at the celebrated Columbia Law School, in New York City, where he entered in 1884 and graduated in 1886.

Impressed by the opportunities accorded the young and ambitious lawyer in the growing West, in the fall of the year of his graduation from Columbia College he located at Oswego, Kansas, where he became the junior member of the firm of Perkins, Morrison & McCune, the senior member of which, Judge Perkins, was elected to represent Kansas in the United States Senate. During his residence in Oswego, Mr. McCune was twice appointed City Attorney of that town, and made an excellent official. On the expiration of his second term he went to Kansas City (May, 1890), and has since resided there and practiced his profession. With the beginning of 1891 he entered into a partnership with

Charles L. Dobson and Herbert L. Doggett, and the firm was known as Dobson, McCune & Doggett up to Judge Dobson's appointment to the Circuit Bench of Jackson County, in February, 1894. This dissolved the firm and Mr. McCune practiced alone until January, 1897, when Judge Dobson resigned from the bench and returned to practice with his former partner under the firm name of Dobson & McCune.

Mr. McCune has never taken an active part in political affairs, has never sought office, although he acts with the Republican party. During his college days he took a course in military science at the University of Illinois, and now holds a commission as Captain in the Illinois State Guards. He is likewise a member of the Sigma Chi Fraternity, of the Kansas City Commercial Club, and a leading member of the Congregational Church. In December, 1895, he was elected President of the Kansas City Bar Association. The Kansas City Bar Monthly said of him on that occasion: "Mr. McCune, although the youngest member ever elected President of the Association, is recognized as one of the leading lawyers in Kansas City. His sterling qualities and courteous manner have won him numerous friends, who delight in pointing to him as a worthy representative of the younger members of the Kansas City bar."

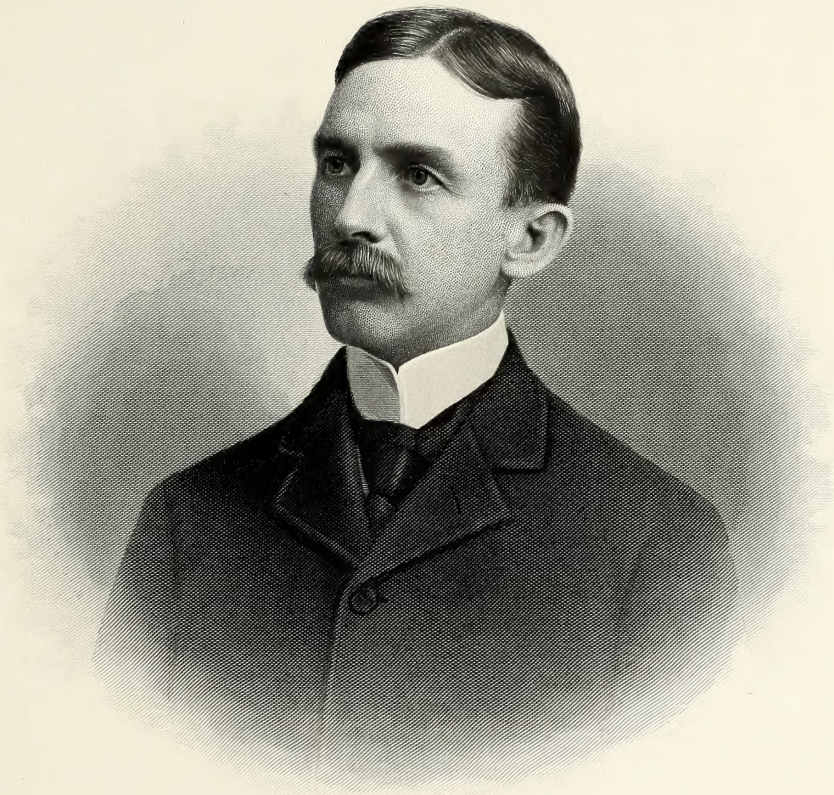
Mr. McCune has recently edited and published the fourth edition of Judge McCrary's well known work on the law of elections. The sketch of Judge McCrary, which precedes this, will be found interesting by reason of the interest of the theme no less than because of the nearness of the author's view, Mr. McCune being the jurist's son-in-law.

September 6, 1888, Mr. McCune married Helen A. McCrary, daughter of United States Circuit Judge George W. McCrary. Her girlhood was spent in Washington, where she received her education, afterward studying art at the Art League, New York. She has much artistic talent, and takes an active interest in all affairs of an artistic nature. Mr. and Mrs. McCune have one child, Joseph, born May 27, 1891.

HENRY CLAY McDOUGAL,

KANSAS CITY.

ONE of the strong, brainy lawyers of the western part of the State is Judge Henry Clay McDougal, of Kansas City, who is a native of Virginia and is now fifty-three years old. Born in Marion County, Virginia, December 9, 1844, he was there reared on a farm and his youth was passed amidst the simple, healthful, natural surroundings of that time and place. He comes of excellent ancestry in both branches, and his great grandfather, William McDougal, a Presbyterian minister, having come to America in Colonial days. As he came from the Highlands of Scotland, when he reached the beautiful and picturesque hills that border the limpid Monongahela River in Virginia, he naturally chose that section as his abiding place. His grandson, John Fletcher McDougal, the father of our subject, married Elvira Boggess, a native of Marion, the same county in which he was born. Of this union, Judge Henry C. McDougal is the second son. His maternal ancestors were of English and Scotch origin and among the earliest colonists of America. They came from England under the second charter granted in 1609 by James I. to "The Company of Adventurers and Planters for the First Colony in Virginia," settling on the James River. This location was made about 1621, only fourteen years after the first settlement of white men had been made at Jamestown, in that vast extent of wilderness north of South Carolina.



Henry L. McClung

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Later, in 1660, they left the James River, and in that year settled on the Potomac in what is now Fairfax County, Virginia, and from there Lindsay Boggess, his great grandfather, came to Marion County, Virginia, in 1799.

Judge McDougal's father being a farmer and stock breeder, the son thus employed was early taught the lessons of manly self-reliance and industry. He attended the common schools near his home, and was ready to enter college when the Civil War broke out. That contest was more trying to the people of Virginia than to those of any other section. Of course the bitter feeling was intense, and it operated to revolutionize society. Families were divided and the friendship of years broken over the questions that precipitated that fratricidal strife. Judge McDougal's family felt the disintegrating effects of the war, for while his elder brother and most of his schoolmates were avowed Secessionists and enlisted in the Confederate army early in 1861, he saw his duty in adherence to the cause of the Union. Therefore in July, 1861, shortly after the terrible defeat of the Federals on the twenty-first of that month at Bull Run, he enlisted as a private in Company A, Sixth Regiment of Virginia Infantry Volunteers (Union), "for three years, or during the war." Although the command participated in no battles of a magnitude to raise it to historical importance, it nevertheless saw much hard and active service in the mountains of Virginia, on the Kanawhas and on the upper Potomac, where it was harassed by guerillas and engaged in numberless skirmishes. In 1863 the young soldier was detailed as Chief Clerk of the Third Brigade, Second Division of the Eighth Army Corps, to which position he yet refers as being valuable to him in the lessons of promptness, accuracy and reliability inculcated by his Colonel, Nathan Wilkinson, late of Wheeling, West Virginia. This office he held until he was finally mustered out of service in August, 1864, at Wheeling.

Within ten days after he quitted the military service of the United States he entered its civil service, having accepted a situation as Clerk in the United States Quartermaster's Department, at Gallipolis, Ohio. Early in the summer of 1865 he was sent by the Quartermaster General as his agent to take charge and dispose of an immense amount of Government stores at Cincinnati. This business having been satisfactorily closed in October, 1865, he was made Chief Clerk of the Transportation Division of the Quartermaster's Department, and sent to Indianapolis, Indiana. There he remained until March, 1866, when he resigned and returned to his old home in Marion County.

When he reached the scenes of his childhood, he found his father arranging his affairs preparatory to migrating with his family westward. He urged his son to join the family in seeking a new home, but this did not suit the plans of the latter, and after a short stay at his old home, he departed for the East, where he spent the spring and summer of that year at pleasure resorts and watering places. In June, 1866, President Johnson tendered him a commission as Major in the United States Army, but the stagnation of army life in time of peace he knew would be wholly unsuited to one of his active and aspiring temperament, and he accordingly declined.

In the fall of 1866 he determined to visit his father, who had settled near the little town of Bancroft, in Daviess County, Missouri. Impressed by the grand and magnificent proportions of the new country, no less than by its possibilities, which he saw with prophetic eye, he at once decided to made it the scene of his future labor. February, 1867, he entered the law office of Judge Robert L. Dodge, at Gallatin, the judicial seat of Daviess, to prepare himself for the law. On November 6, 1868, he was admitted to the bar by Judge Jonas J. Clark, at Gallatin, and at once began practice there.

Judge McDougal's first public office came in the form of the City Clerkship of Gallatin, to which he was elected on the reorganization of the corporation after the war. So favorably did he impress the citizens of his new home, that without opposition they elected him Mayor of Gallatin, an office he held for two terms from April, 1870. A third term was offered, but he declined, to accept the office of Judge of the Probate Court to which he was elected in 1872, serving four years with ability and honor. He served many years on the School Board of Gallatin, and has always been an active friend and benefactor of the public schools, and an energetic promotor of every enterprise of public advantage.

In December, 1874, the Judge formed a partnership with Marcus A. Low, noted as one of the most brilliant members of the Missouri bar. Mr. Low was then a resident of Hamilton, Missouri, but soou moved to Gallatin, and the partnership was unchanged until January, 1876, when Col. John H. Shanklin, of Trenton, Missouri, became a member and the firm became Shanklin, Low & McDougal. They were not only division attorneys of the Rock Island and Wabash Railways, but had a large and lucrative general practice. This strong combination continued up to 1885, with offices at both Gallatin & Trenton, the Gallatin part of the firm being represented by Judge McDougal.

In 1885, much to the regret of his law partners and the people among whom he had lived for nearly twenty years, Judge McDougal decided to remove to Kansas City, which was then nearing the highest point of its wonderful boom. There he was a member of the law firm of Crittenden, McDougal & Stiles, from 1886 to 1889; since 1889, a member of the firm of McDougal & Sebree, with Hon. Frank P. Sebree, a most excellent lawyer, as his junior partner.

For more than twenty years the Judge kept free of politics, and devoted himself with all his industry and energy to his profession, though frequently importuned to accept judicial and Congressional nominations. However, in 1895, at the earnest solicitation of the newly elected Mayor, Webster Davis, now Assistant Secretary of the Interior, who had read law under Judge McDougal as his preceptor and knew how to value his able counsel and advice, he accepted the office of City Counselor of Kansas City, involving responsibilities that would have discouraged a lawyer less resourceful and able. The larger volume of such responsibility was the "water works litigation," a contest that had been waged in the courts for six years. It involved interests worth $3,179,000 to the city, and only a trained mind of the most inclusive strength could grasp its technical and intricate bearings. Judge McDougal took up the litigation and pushed it to a conclusion which was eminently satisfactory to the city, within less than six months after his appointment.

Although of Southern blood, birth and education, revealing his origin in all his tastes, habits and actions, Judge McDougal has always since his majority been a Republican. He is a man of conviction and principle on this point no less than in all the ethics of life. He has made the law his life-work, and he has found his reward in the high and honorable reputation he bears. He is a member of the bar of the United States Supreme Court, and in all respects is a lawyer worthy of the high position he occupies. The esteem in which he is held by the members of his profession is shown by the fact that he was unanimously elected President of the Missouri Bar Association in 1895. He is an adept in Masonry, is a Royal Arch Mason, a Knight Templar and has been a member of the order since 1868.

Judge McDougal is one who has believed in the educational influence of travel, and there are few places in the United States where he has not been. He is a thorough cos-



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mopolite, and the eroding influence of contact with many men of many minds is to be noted in the tact and *savoir faire* which characterize him. Distinctive, individual, human, he is a man of thorough culture, and one, too, with that magnetism of person which attracts men, and hence it is his good fortune to enjoy the personal acquaintance and friendship of most of the prominent men of State and Nation. He has a keen, investigating mind, with the faculty to see and grasp quickly the full meaning of any proposition. He is a fluent, graceful writer and speaker, and is much in demand because of his talent, on public occasions. He is a thinker, also, and his discussion of the hypothesis—"Is Hamlet Insane?" is considered a most deep and scholarly production, and has been printed in law and literary journals everywhere. Among his many printed public addresses, the one delivered at Kansas City on the eighty-eighth anniversary of the birth of Lincoln, February 12, 1897, entitled, "Egyptian and American Slavery—a Comparison; Moses and Lincoln—a Parallel," is considered a masterpiece. He stumped the country in the campaign of 1896, and his exposition of the money question was considered by McKinley the clearest and most forcible of the contest. As a writer of the law, too, he has few superiors. His briefs and arguments are models of strength and conciseness; his opinions as City Counselor read like those of a court of last resort, and his opinion on the "Power of Municipalities to regulate telephone charges, control streets and force overhead wires into conduits," as well as his paper read before the Missouri Bar Association in June, 1893, on "The Seal—Its Origin, Evolution and Abolition," were reproduced in full in a number of the leading legal periodicals of the country.

A year after his admission to the bar, and on November 2, 1869, Judge McDougal returned to Ohio and married Miss Emma F. Chapdu, eldest daughter of Edmund K. Chapdu, a well-to-do French-American of Gallipolis. The union has proved most felicitous and has been blessed by five children: Mabel, now Mrs. Robert B. Rudolph, of Canon City, Colorado; Genevieve, now Mrs. Ulysses Turner, of Kansas City; Henry C., Jr., now of El Paso, Texas; John Edmund, and Emma Florence, the latter now a school girl.

SAMUEL McREYNOLDS,

CARTHAGE.

A LAWYER who has been located at Carthage for almost a quarter of a century and during that time has not only won standing in his profession, but has found time to contribute very largely to the material development of Southwest Missouri, is the subject of this sketch, who is the senior member of the strong legal combination of McReynolds & Halliburton.

Mr. McReynolds is a native Missourian, having been born at Grand Pass, Saline County, January 11, 1849. His father, Allen McReynolds, was a son of Joseph McReynolds, both natives of Virginia. Mr. McReynolds' mother was Martha A. Cooper, daughter of William and Nancy H. Cooper, all natives of Virginia. Nancy H. Cooper, the grandmother of our subject, died in 1896 at the very advanced age of 100 years and seven months. The Coopers, who were of Scotch-Irish blood, settled in Lafayette County, Missouri, in 1836, and many of the family's descendants yet reside there. The McReynoldses as Missourians are yet older, dating from 1832, both the father and grandfather of our subject settling in Saline County within that year. Both were farmers, as who was not in those days when civilization had not produced cities and sub-divisions of human labor?

There were professional men and merchants, it is true, but they, too, were generally farmers, for in that day the dignity of agriculture was properly appreciated and the men of those times realized the peace and contentment that came from close contact with nature's bosom. That they have mostly so continued to-day is not singular, nor is it strange that the families of oldest American residence are to be found in the country, as when they came to America there were no cities and agriculture was the only occupation. Those who came later settled in the cities, and hence to-day there the great "foreign element" will be found, while those who have been converted into genuine Americans by many generations of residence will be found holding the land.

Allen McReynolds, father of Samuel, resided in Saline County, from 1832 to 1864, the year of his death. In December of that year he was atrociously murdered by the State Militia, although he was a well-known Union sympathizer.

Samuel McReynolds was educated in the common schools of Saline County and at the State Normal at Kirksville. He studied law in the office of Judge Andrew Ellison and his brother, Judge James Ellison, at Kirksville, an office that has turned out many gifted young lawyers, whose names will be found in this volume. He was admitted to the bar at Kirksville by Judge John W. Henry, and immediately started for Carthage, Jasper County, where he located in January, 1875. He began practice with the rigid determination to achieve success, if it were within the limits of industry, and application to his profession to win it. Such inflexible purpose bent to the accomplishment of a single end nearly always succeeds, and it did in this instance, as is testified by the place Mr. McReynolds now holds at the bar of Southwestern Missouri, as well as by the volume of his practice and its character.

Mr. McReynolds is a Democrat and a thorough believer in the principles of that party. Therefore he manifests an abiding interest in all political affairs and is always well informed on the political men and issues of the day; but he has never been disposed to enter the field of politics as a means of personal advancement, and has never accepted other offices than those wholly honorary. In many enterprises of a quasi-public character he has taken the place of a leader. At present he is a director of the Central National Bank of Carthage, and was one of the organizers and promoters of the electric railway stretching between Carthage and Carterville, and his firm is now the legal representative of that line. He was likewise one of the most active promoters of the borings made in and around Carthage for natural gas. He is an active supporter of the public schools and for years was President of the Carthage Board of Education.

Mr. McReynolds was married at Milan, Sullivan County, December 21, 1876, to Miss Helen M. Halliburton, sister of Mr. McReynolds' present partner and daughter of the late Westley Halliburton, for many years one of the ablest lawyers and best known Democratic leaders of North Missouri. Mr. and Mrs. McReynolds have four children, three boys and one girl, named respectively, Allen, John W., Armilda H. and Samuel, Jr.

SCOTT JOHNSON MILLER,

CHILLICOTHE.

A HISTORY of the bar in Livingston County would be incomplete if it did not include the name of Scott Johnson Miller. He was born December 29, 1866, at Columbus, Ohio. His father, John Willis Miller, took for his wife Mary E. Bland. He was a farmer

and stock-raiser in the Buckeye State, and emigrated to Missouri in 1868, where he pursued the same vocation, becoming a prominent citizen of Livingston County. He was honored by his neighbors on several occasions in election to offices of trust and responsibility, having once been County Assessor. The Millers were originally Germans, the grandfather of the present Mr. Miller having been born in Ohio of parents who came from Germany ten years after the beginning of the century. Stanley Mathews, the well-known jurist, was a cousin of Mr. Miller's father. The maternal branch of his house, the Blands, were also of Ohio, but more remotely from New York. His parentage and ancestry were thoroughly American, and endowed him with that intense love of country which was characteristic of nearly all the pioneers and early colonists of this continent. The sturdiness of the German and progressive spirit of the American are evident traits of the character of Mr. Miller, and it may be that to this descent he can attribute many of the successes of his career.

After a course of primary study covering some years in the common schools of Livingston County, he entered the Missouri State University, at Columbia, where he completed his education. Then he studied law with Judge E. J. Broaddus, at Chillicothe, Missouri, and was admitted to practice October 12, 1888. The day of his admission to the bar was a notable one, being marked by his argument of a case before the Circuit Court. He did not even have an office on that occasion, but opened one next day. He has practiced in Chillicothe continuously ever since, and is now a member of the firm of Miller Brothers, his partner being his elder brother, Frank Seymour Miller.

Mr. Miller has been connected with several leading cases in his time, of which a few can be here enumerated: Lilley versus Menke; Reid Murdock versus Lloyd & Moormon, Mo. Ap., 52; State versus Low, Missouri Supreme Court Reports, 98. But perhaps the most famous case in his career was that of Charles and William Ziefle versus Fred Seide, which was tried in the Supreme Court of Missouri, at the October term, 1897, Mr. Miller being for respondents. The point at issue was the affirmation of the judgment of the Circuit Court, because appellants had failed to comply with Section 2253, of the Revised Statutes of Missouri for 1889, not having filed certificates of the judgment, entry and order granting appeal, fifteen days before the first day of the term of the Appellate Court at which said appeal was returnable. On this point Mr. Miller argued wisely and well, and one passage in his brief is worth quoting and remembering: "We cannot understand why an overruling of this motion would mean other than a setting aside of this section of the statutes; because, if you can pass one term of the Supreme Court under that section, there is no reason why you cannot pass all the terms." The Supreme Court wrote an opinion dismissing the appeal and construing the statute, making a leading case and settling the practice on this form of appeal.

Although having never sought public office, he was named as a candidate for Congress in 1896, but failed to receive the nomination; but he was defeated only after one of the most bitter party contests in the political annals of Missouri, the convention lasting fourteen days, during which that body balloted 1,492 times before a nomination was reached. Mr. Miller was also a member of the military staff of Governor Stone, and is now one of the Regents of the State Normal School, at Kirksville, Missouri. He is a member of the Odd Fellows, the Knights of Pythias and the United Commercial Travelers, having a standing in these orders which incites the emulation of fellow-members.

Mr. Miller is, in all respects, a strong, vigorous, commanding character. He is straightforward and positive, and never seeks to carry a point either by cunning or subterfuge. He is aggressive in every respect, is bluff and hearty in manner, but always courteous and kindly in his intercourse with his fellow-men. He is gregarious in his instincts, and is, therefore, fond of society, and a favorite therein, because of his brilliancy and wit. As a member of Governor Stone's staff, he filled his position with fine tact. Among his large circle of acquaintances he is very popular, and his good humor and joviality make him a most agreeable companion. He is a ready conversationalist, and always talks intelligently and interestingly. He is sensible of the requirements of business, and never permits any lighter thing to interfere with its demands. He is open and candid, and one is sensible of his truth and honesty, and altogether he impresses one as a character of great power and virility.

THE MONTGOMERYS,

SEDALIA.

A LEADING law firm of the city which has given the State a Vest and a Philips, is composed of the Montgomerys, father and son. John Montgomery, Jr., the father, unquestionably stands in the very front rank of Sedalian attorneys, a position he occupies not only by right of legal ability, but also by reason of an honorable life-time spent among the people where he practices his profession. His practice is a certainty and he is established in unshakable security in the confidence of the people. With his future thus assured he need not worry, and like a philosopher does not worry about anything.

Mr. Montgomery is of Kentucky-Virginia stock, a strain that has ever manifested its power to overcome every obstacle of circumstance or environment and forge to the front rank in whatever condition placed. His grandfather on the paternal side of the house was a native of Virginia, while his grandmother of the same branch was from England. On the mother's side, his ancestors were residents of Kentucky so far back that the memory of man runneth not to the contrary. His father, Dr. Thomas J. Montgomery, was a successful practitioner of medicine, and his mother, Emily Montgomery, was of the Flournoy family, of Kentucky. At Springfield, Kentucky, on August 18, 1844, the subject of this sketch first saw the light of day. While he was still a child his parents moved to Sedalia, where his father practiced medicine for many years and was universally loved and respected.

The common school was the educational fount from which young John received his scholastic instruction. He determined to become a lawyer and entered the office of Philips & Vest, composed of Judge John F. Philips and United States Senator George G. Vest, which even in that day was one of the most prominent law firms in the State. June 10, 1868, he was duly admitted to the bar at Sedalia, and during the more than a quarter of a century since, he has practiced his profession there.

As only misfortune is the warp and woof of history, the man as well as the nation is blessed whose history is uneventful. History is tragedy. Tranquility and peace, the joys of home and family, the consciousness of duty well done and the respect of friends, the multiplicity of ordinary attainments which make success, are the sum of the greatest happiness, and in the light of these facts the life of John Montgomery, Jr., must be considered both happy and prosperous.

In politics he is a staunch Democrat and he would have been honored by his party many times had he only been complaisant, but he values his practice, his uneventful prosperity and his influence among his friends and neighbors too highly to jeopardize either or all by a plunge into the vexations of political life. His deep concern for education has led him to serve as a member of the Board of Directors of the public schools, but it may well be doubted whether he could be induced to accept the nomination of any office that interfered with the regular routine of his life, were it offered to him on a silver salver, unless convinced that his duty as a good citizen absolutely required such a sacrifice.

Mr. Montgomery was married November 24, 1869, to Maggie Sneed, daughter of John M. Sneed, a prominent farmer near Sedalia. His son, Lee Montgomery, is associated with his father in the practice of law.

Lee Montgomery is the son of John Montgomery, Jr., and Maggie Sneed-Montgomery. He was born in Sedalia, August, 1869, and is therefore at this date twenty-nine years old. His paternal grandfather, Dr. T. J. Montgomery, was honored as one of Sedalia's best physicians for many years. His maternal grandfather, Capt. John M. Sneed, was one of the most influential citizens and farmers of that part of the State. Both came to Missouri from Kentucky early in the 'fifties.

Young Lee was given a splendid education. He prepared for college at Westminster College, Fulton, Missouri, and then entered Princeton College, New Jersey, in the fall of 1890. His college record is a brilliant one. He graduated in 1893 with the degree of A. B., standing seventh in a class of 150. He took prizes in college for proficiency in political economy and the Bible, extemporaneous speaking and debate. He also took the prize of $150 for the best essay on an assigned subject in ethics, as well as an honorary fellowship in philosophy worth $450. During his course he was President of the University Club, the American Whig Literary Society and a member of the Board of Editors of the Nassau Literary Magazine. As a climax to his long list of collegiate honors he was made one of the commencement orators and was one of the three voted on by the faculty for valedictorian of his class.

His high standing as a scholar established, he returned to his Sedalia home and took up the study of law in the office of Jackson & Montgomery. His progress was rapid and he was admitted to general practice in May, 1895, and in the November following was enrolled on the list of attorneys entitled to practice in the Federal Courts. In a month after his admission to general practice he was admitted to partnership by his father, John Montgomery, Jr.

Mr. Montgomery is a Democrat in politics and in 1896 was his party's candidate for City Attorney. Besides his law practice, he has a number of business connections, being Vice-President of the Sedalia Book and Stationery Company, is Secretary of the Porter Real Estate Company, and Secretary of the Kingsbaker Cigar Company.

He is prominent in religious circles, belonging to the Old School Presbyterian denomination and acting as Deacon of the Broadway Presbyterian Church, Sedalia. As Secretary of the Missouri Chautauqua he has given that cause enthusiastic and faithful service. His social influence is also felt and he is looked upon by the young people of Sedalia as a leader. He is President of the Melita Club and also a member of the Beta Theta Pi College Fraternity.

Those who know him consider Mr. Montgomery one of the most brilliant young men Sedalia has ever produced. They are sure that a bright future is before him and that his name will one day be well known. He is the first Sedalian who ever went to Princeton to return bringing honors with him. He has already manifested a high degree of ability as a lawyer, and it is felt that he is "one able to bend unwilling circumstance to do his bidding," which after all is but the power of genius.

MILTON MOORE,

KANSAS CITY.

GENERAL MILTON MOORE, one of the prominent members of the Kansas City bar, is a native Missourian. He was born January 22, 1846, on a farm in Jackson County, not many miles from the city which has been the scene of his professional career. He comes of that hardy and masterful stock which, developed by the environments of that strip of territory which is border land between the North and the South, and known as Tennessee, Kentucky and Virginia, has given so many of her sturdy sons and daughters to the great commonwealth of Missouri.

His father, Albert Adam Moore, was born March 31, 1811, in Rutherford County, Tennessee, and came to Missouri in 1837, settling in Lafayette County, where he has since resided. He is a minister of the Cumberland Presbyterian Church, having early dedicated his life to service in the religious field. The pioneer preacher in those early days of frontier life came side by side with the man who wielded the ax to open the path for the civilization that followed—one of that

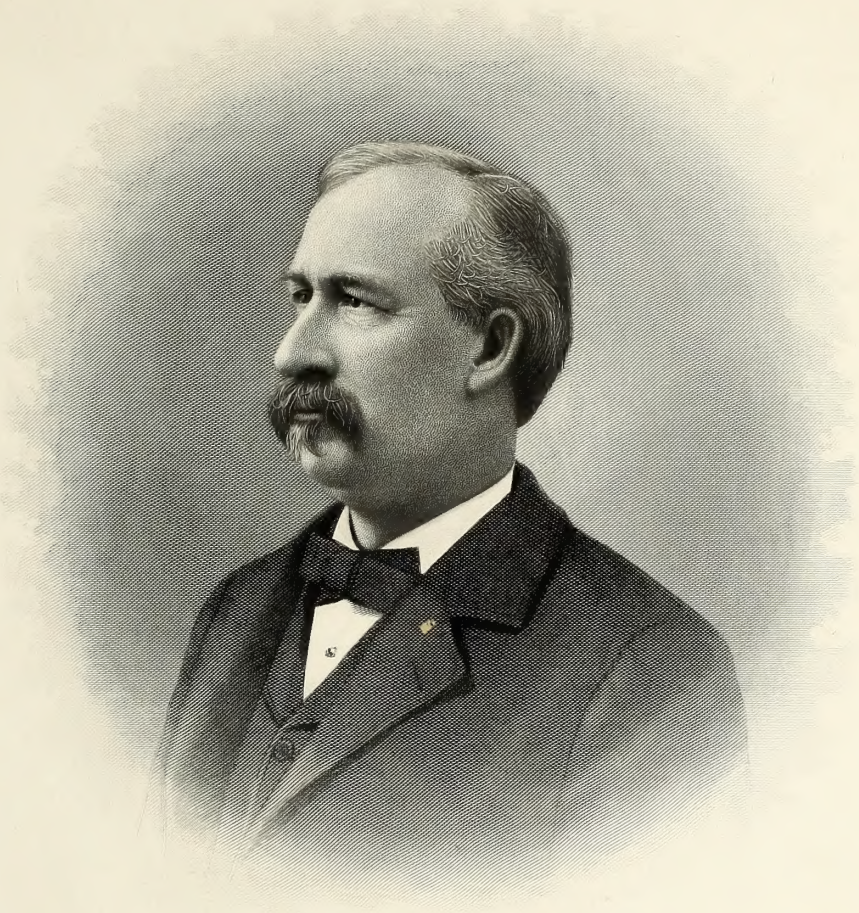
> "Legion that never was 'listed,
> That carries no colors or crest,
> But split in a thousand detachments,
> Is breaking the road for the rest."

It was at a time when moral conviction must need be attended by a strong hand, a sturdy will and a soldier's heart.

The mother of General Moore comes of a Missouri pioneer family. She was Elizabeth, the third daughter of Col. John Stapp, of Lafayette County, Missouri. Colonel Stapp was a native of Kentucky, removing from Adair County to Howard County, Missouri, prior to the admission of the State into the Union. He afterwards removed to Lillard (now Lafayette) County and was one of the Judges of its first County Court, which met January 21, 1821.

Tracing General Moore's origin further into the past, it is learned that he is of French Huguenot blood on his mother's side, and of English descent on his father's. Prior to the War of Liberation, Abram Moore and two brothers came from England to the Eastern shore of Maryland. They laid their hearth-stones and pledged their loyalty to the new country, and when her rights and liberties were in danger, took up the arms of the American Army in the War of the Revolution. After the war, Abram Moore removed to North Carolina, and thence to Tennessee. On his mother's side he is a lineal descendant of Anthony Trabue, a French Huguenot, who landed on the banks of the James River in the year 1700.

General Moore was educated in the common schools of Lafayette County, at Chapel Hill College, and Wellington Academy, at Wellington, Missouri, the latter then being con-



Milton Moore

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ducted by John N. Southern and Alfred Slaughter. As so many ambitious men have done in the days of their early struggles, he taught school both before and after the beginning of the study for the bar. He prosecuted his legal studies in the office of John N. Southern, now of Independence, and afterwards under the tutelage of Judge John S. Blackwell, of Lexington, and the late Judge Robert C. Ewing, of Kansas City. He was licensed to practice by the Jackson County Circuit Court, at Independence, at its March term in 1872, and located in Kansas City, where he has since resided.

Heredity implanted and environment developed in General Moore the highest sense of honor and integrity, and in his whole life there has never been a question in the minds of his associates of a variance in the slightest degree. His life and principles are evidence that he has felt in the strongest degree an ambition and desire, as far as in him lay, to think and to do absolute justice and equity between man and man.* He is a man of strong and positive convictions of his own, and yet exceedingly considerate of the opinions of others. He has always been a hard student, and his reading has covered a wide range in the law, but it is natural that he should have inclined strongly to the equity side of the practice and given it such attention that his intimate knowledge of its principles and his successful application of them, have given him a first place as an equity practitioner.

He was from 1872 to 1880 Public Administrator of Jackson County, and with his usual thoroughness mastered the principles of the probate law, and has since been regarded as authority on the law of wills and administrations. As a trial lawyer he is also strong. He aspires to logical force rather than to impassioned oratory, and his appeal is always to reason and not to sentiment. His presence before court or jury is dignified, straightforward and sincere.

He has heretofore declined the temptations of judicial honors and political preference, choosing the life of the active and private practitioner. He did, however, accept a position on the Board of Election Commissioners of Jackson County, under Governor Stone, at a time when the responsibilities of the office were very great and subject to the severest criticism, but the public, as evidenced by the press, were unanimous in their approval of his appointment. The law relating to elections was in many respects indefinite and was practically uninterpreted. He was the legal advisor of the board, and in every instance where a question decided by him was referred to the courts he was sustained.

During his life in Kansas City, he has been, at different times, associated with Blake L. Woodson, John W. Cravens, and R. O. Boggess. In 1893 he formed the firm of Moore & Vaughan, in which association he continued until 1898.

General Moore is of that temperament which takes its work and its recreations seriously, and he has, therefore, never been disposed to the lighter forms of diversion. When he relieves the strain of professional duties, he follows his inclination to military studies and practices, in which he finds his entertainment. His physical exercise included practice with the rifle and the manual of arms, into which he entered with the same persistent energy and same steady application which characterize his progress in his profession. He manifests a natural talent in the direction of military science and the organiza-

* He is one of those men, who in many communities, by some process of natural instinct, are selected by the people as the man of all others worthy of confidence. In Kansas City, General Moore is the person so enviably distinguished, and hence the people go to him to act as their trustee, curator, administrator, etc. He has frequently to give bond on this account, and, as showing the esteem in which he is held because of his high integrity, it was stated to the writer by one of the leading bankers of Kansas City that Gen. Milton Moore could go into any bank or trust company in that city and get its signature to a bond of $1,000,000, without question or formality of any kind. They trust him because of his integrity, but they also know him to be a man of infinite carefulness.—*The Editor.*

tion and control of men. He had some early experience in the field, soon after the war, when he spent two years on the Plains of the frontier, and engaged in several conflicts with Indians. He took part in the notable battle with a band of Kiowas under the celebrated Chief Satanta near the present site of Dodge City, Kansas. He enlisted in the military company in Kansas City which took a prominent part in the railroad riots in 1877, and has been continuously connected with the State military forces since.

He was in 1883 commissioned Second Lieutenant of the Craig Rifles, one of the prominent military organizations of the day. In 1886 he was made Major of the First Battalion, National Guard of Missouri, and later he was promoted to the position of Colonel of the Third Regiment. In 1891 he was appointed by Governor Francis, Brigadier General, commanding National Guard of Missouri, which position he has since held. He has contributed much to the military literature of the State, having compiled "the Laws Regulating the Government of the National Guard of Missouri," and the "Rules Relating to Military Correspondence," and he is also the author of the military law adopted by the State Legislature of Missouri in 1897.

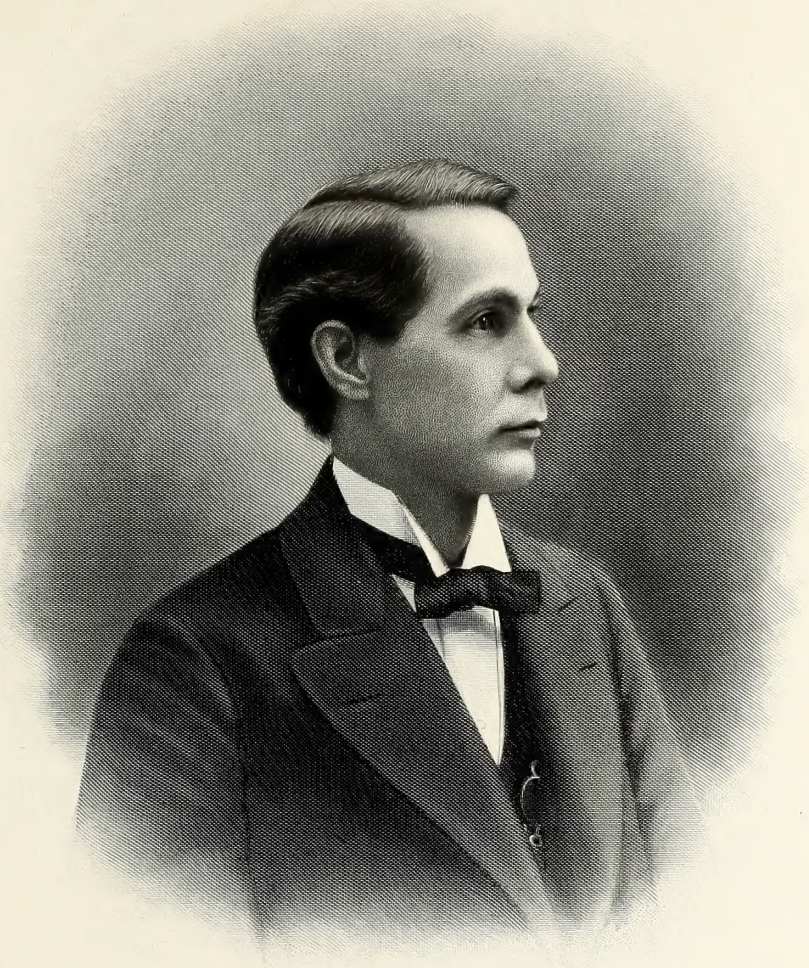
On February 25, 1880, General Moore's marriage was celebrated at the residence of the late Col. James N. Burnes, near St. Joseph, whose accomplished niece, Mary E. Burnes, the daughter of the late Hon. Daniel D. Burnes, he espoused. A record of the Burnes family will be found elsewhere in this volume.

THOMAS R. MORROW,

KANSAS CITY.

THOMAS R. MORROW, member of that vital legal force, the firm of Lathrop, Morrow, Fox & Moore, was born in the historic town of Hartford, Connecticut, January 24, 1857, and is therefore now in the fulness of his life and capacity. His parents were John Morrow, and Margaret Morrow, formerly Margaret Campbell. He was six years old when his parents, in 1863, removed to Yonkers, New York. They remained there only about two years, however, returning in 1865 to Hartford. The following year (1866) the family made settlement on a farm at South Coventry, Connecticut, where for the next five years the boy lived and received the benefits of work in the air and sun. The cultured old college town of his nativity seems to have exerted a strong attractive power on his family, and accordingly in 1871 they again made their home there.

In the meantime the education of young Morrow had not been neglected. He had received the advantages of the public schools, and was therefore ready to enter the high school at Hartford in 1872. There he took a four years' course, graduating in 1876. Then he entered the academic department of Yale University, and after the full course of four years, graduated in 1880 with the degree of A. B. His choice had been fixed on the law, and therefore after graduating, he for a year read law in the chambers of Lieutenant-Governor Sill at Hartford. His professional training was completed in the law department of Yale, where he graduated in 1882 with the degree of LL. B., winning the "University Prize," in competition open to all departments of that great educational institution. During his attendance at this university he was on the staff of the college press. It will be seen by the above that Mr. Morrow is the possessor of a most thorough education—the best possible basis of success at the law, when it is coupled with industry and pluck.



Thomas R. Monroe

Legal Publishing Co. St. Louis.

The young attorney was admitted to the bar in his native city, and had some thought of beginning practice there, but finally gave way to the inclination which had gradually been growing stronger in him for some time, to explore for himself the West, of which he had heard so much. One day in November, 1882, he stopped off at Kansas City for a time, and although he had not a friend or acquaintance in the place, it speaks well for his foresight and discernment that he was not long in deciding to make it his future home. He launched in practice in the following months and made a successful start, for just at that time in the upward trend of Kansas City, there was a great demand for young men of energy and capacity in all lines of business. Early in 1883 he was admitted to practice in Missouri courts, at Independence. Since then he has been admitted to the Supreme Court of Missouri, the United States Circuit and District Courts of Kansas City, the United States Circuit Court of Appeals at St. Louis, and to the Supreme Court of the United States at Washington, District of Columbia.

While taking the interest of the thinking man in public and political affairs, he has no inclination whatever toward a public life, and political ambitions do not move him. He has never held but one office—this the Police Commissionership of Kansas City, on which board he served three years. This office was accepted against his personal inclinations, and he only made the sacrifice because of the urging of his friends and from a sense of duty to the Democratic party, to which he is devoted. It is notable that he is the only member of the Board, who on retirement, was ever, in the history of the department, recognized by the members of the force. To show their personal appreciation and faith in him as a public servant, the men of the force presented him, at the conclusion of his service, with a handsome testimonial, which was supplemented by a like evidence of esteem from Chief Speers.

Mr. Morrow is one of the high adepts in Masonry in the West. He was made a Mason in 1885, took the degrees in the Royal Arch Chapter in 1886; he received the "Cryptic degrees" in Shekinah Council, Royal and Select Masters, in 1892; was made a Knight Templar in 1886; took the degrees in the Scottish Rite, and received the thirty-second degree from Martin Collins, Inspector-General for Missouri, in 1888, and was made Sublime Prince of the Royal Secret; was elected Knight Commander, Court of Honor, and the thirty-third degree was conferred on him by the Supreme Council at Washington, District of Columbia, October 29, 1890, he being at that time thirty-three years of age. He has held about all the various official places in these bodies, and is a Past Grand Commander of the order.

July 3, 1883, Mr. Morrow was married to Miss Flora E. Burt. She was born in Connecticut, but is descended from Massachusetts stock, some of her ancestors having fought in the Revolutionary War.

Mr. Morrow is noted as an all around lawyer of fine accomplishments. He is a very modest man, and is one whose merits will never be exploited by himself. He detests cant of all kinds, and believes that the meretricious can never be made to pass for the genuine with people with enough intelligence to make their opinion worth anything. There is nothing affected in his manner and nothing of pretense about him. He desires no exaggerated estimate of himself from any quarter. He never strives to be otherwise than nat-

ural and is plain and democratic in his intercourse with the world. Of the greatest stability of character, no attempt is ever made by him to disguise his attitude toward any question or man. His noblest trait is his unchanging fidelity to his friends. His attachment to them is strong and real, and to him his friends are the dearest things in life outside his family.

WILLIAM H. MAYO.

St. Louis, Mo.,
February, 1898.

CHESLEY A. MOSMAN,

SAINT JOSEPH.

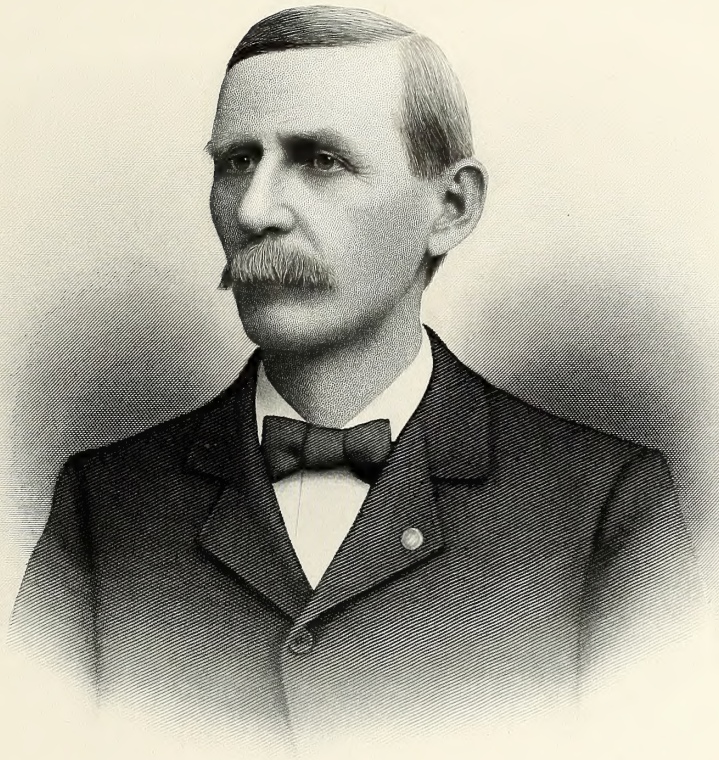
ALTHOUGH ever pursuing the even tenor of his way, and never a seeker of wide publicity, there are few practitioners better known to the bar of Northwest Missouri, or whose legal attainments are more sincerely respected by the fraternity than Chesley A. Mosman, of St. Joseph. His later field of practice has been corporation law, and the fact of his legal representation of these moneyed interests which seek always only the best talent in that line, is in itself sufficient testimony of his ability.

Mr. Mosman was born at Chester, Illinois, July 29, 1842, and is the son of John L. and Mary J. Mosman (daughter of Hugh Graham). The great grandfather of our subject, Robert Swan, of Peterborough, New Hampshire, was a soldier in the American Revolution. His parents came from Maine, to settle in New Orleans, from where they removed, after a short residence, to Illinois, where their son was born. While the latter was yet but a child the family removed to St. Louis, where the boy grew up and received his education.

In that period of his career between the completion of his education and the commencement of the serious duties of life, the quarrel between the North and South flamed forth into Civil War. The young man of our biography was an ardent partisan of the cause of the Union—one of the sort inclined to act rather than speak. At the beginning of hostilities he enlisted in the Ninth Missouri Infantry (afterward designated as the Fifty-ninth Illinois Volunteer Infantry), and served four a half years, being mustered out, January 15, 1866. That he saw the most active service and passed through many dangers, is demonstrated by the fact that he was shot four times. His bravery won promotion to the rank of First Lieutenant, a position he occupied during the last three years of the contest.

After the declaration of peace he engaged in merchandising until 1869, when he began the study of law, having located at St. Joseph in December, 1868. In that city he was admitted to practice by the Circuit Court of Buchanan County, and there he has resided and practiced continuously since.

Since beginning practice, Mr. Mosman has been a member of various legal firms. In 1875 he formed a partnership with John D. Strong, which was conducted under the style of Strong & Mosman until 1891, a period of sixteen years, when ill health caused Mr. Strong's retirement. Mr. Mosman next formed a partnership with Hon. D. D. Burnes and Judge O. M. Spencer, under the firm name of Spencer, Burnes & Mosman, which was dissolved by the election of Mr. Burnes to Congress, the remaining partners continuing the business under the style of Spencer & Mosman. Those firms in which Mr. Mosman has been a partner have been the General Solicitors of the Hannibal & St. Joseph and the Kansas City, St. Joseph & Council Bluffs Railways since 1883. It may be stated also that for



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the past twenty years Mr. Mosman has been continuously in the employ of the Burlington system, acting as one of its most trusted legal officials. In this capacity he has practiced in the courts of all the counties through which the lines of that system pass, and these aggregate almost the whole of North Missouri.

Mr. Mosman's long service as a railway attorney has made him thoroughly familiar with corporation law and an authority in that department relating to common carriers. The law is his field, his life work, and in delving therein he finds his greatest pleasure. He is modest, but withal a man of great strength of character and reserve force. He has a son to perpetuate his name in the law, a young man of ability and brilliant parts, now connected with the firm of Warner, Dean, Gibson & McLeod, Kansas City.

ALEXANDER WASHINGTON MULLINS,

LINNEUS.

MAJOR ALEXANDER WASHINGTON MULLINS, who was born in Marion County, Kentucky, April 12, 1835, bears his sixty odd years of life with an ease and dignity which are the natural result of an upright life and a successful career in the legal profession.

The Mullins family was originally English, having settled in the old Colonial days in Massachusetts and South Carolina, and several members of the house bore arms in the Revolutionary War. The branch from which Major Mullins descends came from South Carolina, but his father, a native of Virginia, moved to Kentucky, and was there for many years a successful farmer. In 1844 he moved to Missouri. His name was Berryman H. Mullins, and his wife's maiden name was Susanna J. Crews. The Crews family came from Ireland in the days before the War of the Revolution, settling in Virginia.

It was in the common schools of Linn County that Major Mullins began his education, completing it at McGee College, in Macon County. Then he studied law in the office of Judge Jacob Smith, of Linn County, who proved to be a valuable preceptor. He was admitted to the bar at Linneus, in 1857, by Judge J. A. Clark, of the Circuit Court, and practiced law in partnership with Judge Jacob Smith until near the commencement of the war. The enlistment of young Mullins dissolved the partnership. He went to the front in the winter of 1861 and 1862, and when, in 1865, the conflict ended, he resumed his legal business at Linneus, where he has since remained.

Having a larger practice than perhaps any lawyer in his part of the State, it follows as a corollary that he should be a man of decided ability. Mediocrity cannot rise very high in the legal profession. The practitioner of merit comes to the top by a process of natural selection. Every court in his section is familiar with Major Mullins' persuasive voice, and he is acknowledged on all sides to be in the foremost rank of the lawyers of Linn county, not on account of age and experience, but chiefly through his innate aptness for handling the most tangled and difficult cases. His skill in conducting litigation that involves uncertain points of law has won him a most enviable reputation, and he fully deserves the eminence he has attained.

As a soldier and legislator he bears a record replete with adventure and activity. In February, 1862, he enlisted in the First Regiment of Missouri State Militia, rising to the rank of Major and serving for three years. His brother, Lieut. John D. Mullins,

who belonged to the same regiment, was killed in an engagement. Major Mullins did valuable duty through many parts of Missouri and did some campaigning out of this State, taking part in the battle of Mine Creek, Kansas, near Fort Scott, at that time being in command of the regiment which opened the engagement. In this battle General Marmaduke and General Fagin and nearly all the minor officers of the Confederates were captured, the only notable one to escape being General Price, who was closely pursued.

From 1862 to 1864 Major Mullins was a member of the Missouri Legislature, and again from 1866 to 1868. During both terms he was honored with the Chairmanship of the Committee on Criminal Jurisprudence and a membership on the Judiciary Committee. As County Treasurer of Linn County for two terms he served faithfully and admirably, and for twenty-five years has been a member of the School Board of Linneus. In 1877 he was appointed United States District Attorney by President Grant, and after serving one year resigned in order to attend more closely to his growing private practice. He had an active hand in the building of the Chicago, Burlington & Kansas City Railway through his section, and for some time was its attorney. The bank of Moore & Mullins, which began business at Linneus in 1896, was established by him.

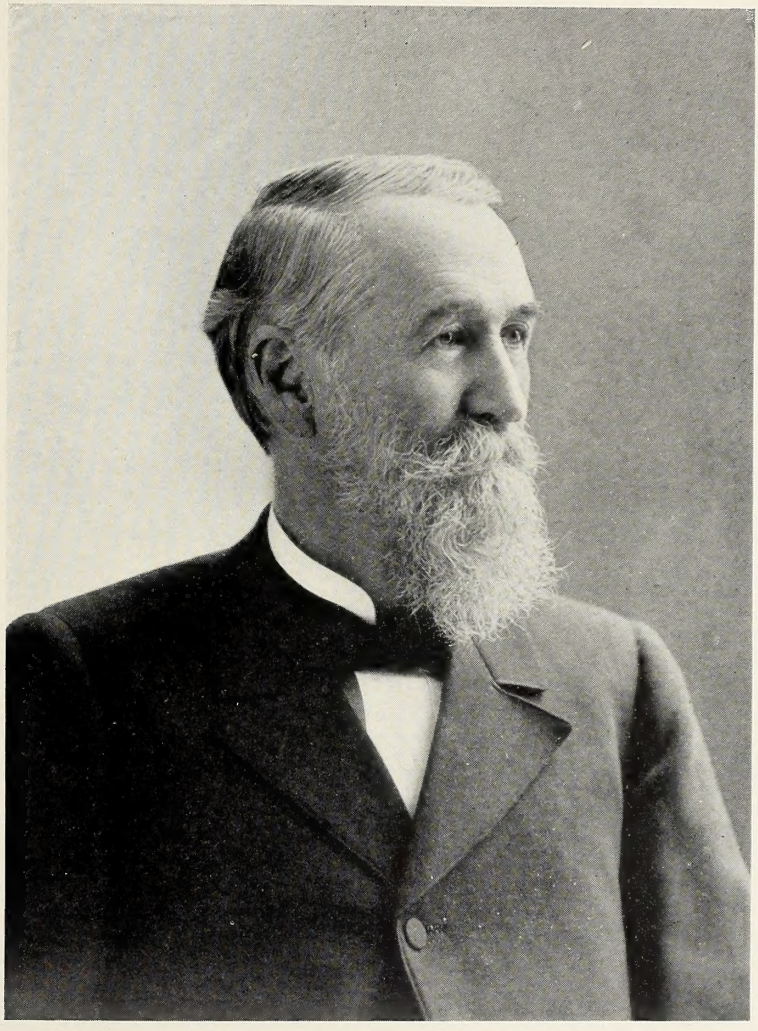
He is an Odd Fellow of reputation in Linn County, having filled nearly all the chairs it is possible for an earnest member to fill in the lodge. In politics he is a Republican of the most progressive kind, and at the State Convention of the Republican party in 1890 he was nominated for Judge of the Supreme Court.

January 10, 1863, at Linneus, Major Mullins was married to Miss Nerissa Smith, daughter of his former law partner, Judge Jacob Smith. There are six living children by this marriage—John D., residing now in the State of Washington; Mabel, the wife of William K. Amick, a leading lawyer of St. Joseph, Missouri, and its former City Counselor; Alexander W., who lives with his father; Frances, a girl; Roscoe and Ben H. These two girls and four boys inherit much of their father's talents and fine appearance.

ELIJAH HISE NORTON,

PLATTE CITY.

ONE of Missouri's most gifted historians says that this commonwealth is indebted to two classes of men for whatever greatness and power she has attained as a State. "The first were those hardy pioneers who came into wild and uncultivated regions, * * * * conquered the forces of nature and finally set civilization on its feet. The second were the leaders of political thought and action, the educators of public opinion, pioneers of great principles, reformers of public abuses and men of courage and sagacity in times of political danger." To both these classes the venerable Judge Elijah Hise Norton, of Platte City, belongs, and therefore must be considered a beneficiary of his State in a double sense. In an eminent degree was he qualified to enact this double role on the stage of life. Possessed of many of the sterling attributes of the first class, such as unfailing courage, the strength of purpose and that love of simplicity and nature manifested by those who constituted the advance guard of civilization, he is also endowed in a remarkable degree with the Anglo-Saxon genius for government, the strong will, the independence in opinion, the decisiveness in action, the contempt for falsehood and sham, the integrity and purity



A. W. Mullins.

of character, which made him a shaper of opinion and a leader of men—entitling him to high rank in the last named division. For years he has been notable as one of the most learned jurists and ablest lawyers of Missouri, and so intimately is he related, and such a conspicuous part has he played in the history of the bench and bar of Missouri, that to omit his name therefrom would be to remove from the stage one of the most important actors. While scarcely more than an imperfect outline of his life can be given here, it is believed that even such bare facts, unembellished by detail, will prove of more than ordinary interest to the reader.

Elijah Hise Norton was born at Russellville, Logan County, Kentucky, November 21, 1821. He is the son of William and Mary Norton. His mother's family name (which was given him as one of his own) was Hise, and his father, a native of Pennsylvania, removed from the latter to the Blue Grass State in the early part of the century. He engaged in the iron and salt trade at Russellville and continued the business prosperously for many years. His son, the subject of this sketch, was given his higher education at Centre College, at Danville, Kentucky. Then with the law before him, he entered Transylvania University, at Lexington, Kentucky, notable as the *alma mater* of many men whose genius has been instrumental in shaping the course of events. He graduated in the class of 1843, and returning to his home at Russellville, was there admitted to the bar.

Kentucky has always been prolific of talented professional men, and the bar at Russellville consisted of lawyers many of whom were both able and well established. The newly-fledged young attorney was too impatient of success to take the time necessary to make his merit known in a field where there were so many practitioners of known reputation, and therefore resolved to seek a location in a section whose newness would place all aspirants on a fairer and more even footing. In his opinion, Missouri offered the greatest opportunities for the young lawyer, and he made up his mind to seek his fortune within her boundaries. He left his Kentucky home in December, 1844, and that date may fairly be noted as the beginning of his struggle with the world. His journey ended at Platte City, Missouri, on the eighth day of January, 1845. He liked the country, considered the prospects good, there began practice and there he has since made his home.

A residence of fifty-three years in one place should certainly reveal what and who a man may be. In Judge Norton's case, the honors accorded him have increased with the years, and the high esteem in which he is held has grown as time revealed the great and noble attributes of his character. The people of Platte City, with that sagacity and quickness of perception peculiar to the people of the new West, recognized in the new comer of 1845 a young man of no common ability and of high ideals and ambitions, and as he thus impressed his worth on the public mind his material fortunes improved relatively, and he was soon enjoying a good practice. A general appreciation of his learning and merit was made evident in 1852, when he was elected Circuit Judge to preside over the Twelfth Judicial Circuit, then composed of the counties of Platte, Buchanan, Andrew, Holt, Atchison, Nodaway and Gentry, constituting the extreme Northwestern corner of the State. This may be considered the real beginning of his long career of public and official life, though he manifested an interest in politics which made him a local leader and moulder of public opinion at a time long before he was entitled to vote. Though but

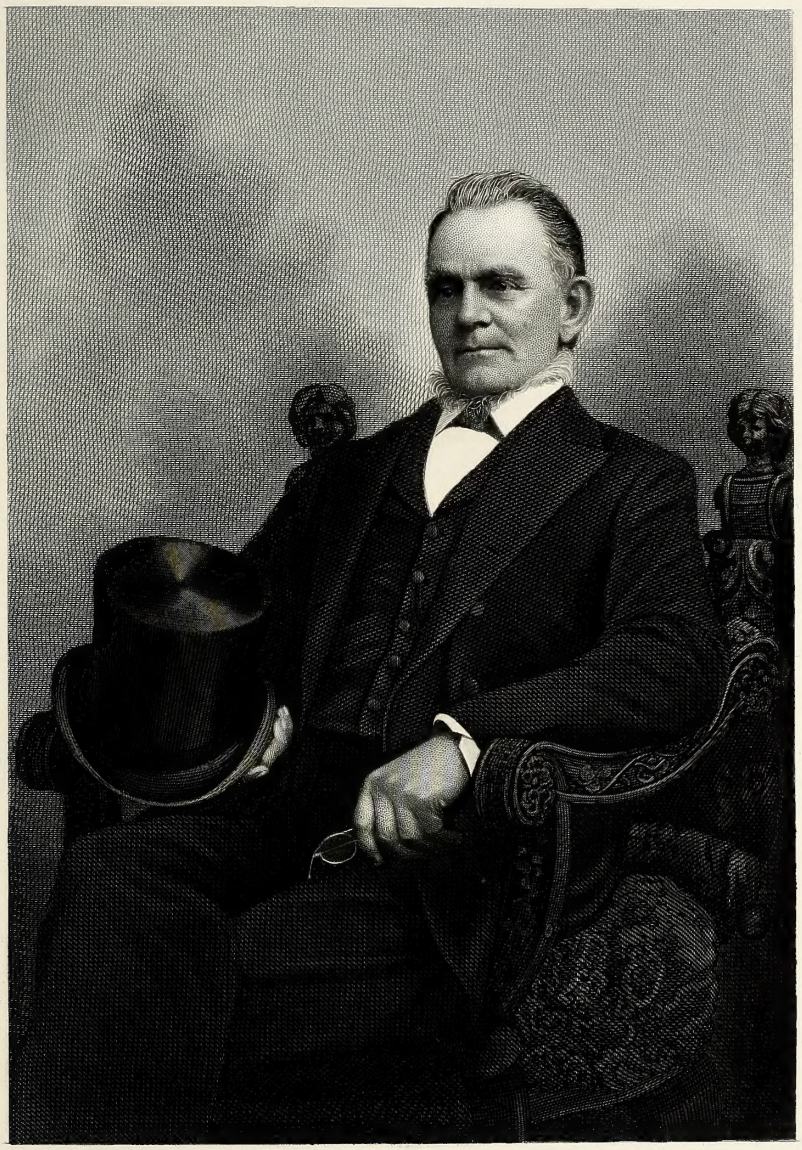
thirty-one years of age when he took his seat on the bench, he displayed a well-balanced judgment and a knowledge of law which merited the general opinion that the office had been given to one most liberally qualified by nature and education to fill it. As a consequence he was re-elected to the office at the end of his term in 1856, for a term of six years, without opposition, as his would-be opponents realized that it would be useless to try to defeat him.

It was while serving his second term as Circuit Judge that his party drafted him to act as its candidate in the Congressional campaign of 1860, one of the most heated political contests of American history. No stronger person could have been found to uphold the cause of Democracy, as was proved by his triumphant election, and as a further attestation of his splendid popularity the district gave him a majority of 8,000. This majority was a great one for that day, when Congressional apportionments were smaller than now, although the district in which he was elected was of much greater area, being composed of the counties in his judicial district, above named, and the counties of Clay, Clinton, Ray, Caldwell, Daviess, DeKalb and Harrison, besides.

Judge Norton resigned from the Circuit Bench in August, 1860, to make the race for Congress. During this same fall, a further honor awaited him in his election as a delegate to the "Convention to Consider the Relation of Missouri to the Federal Government," called by the Legislature. Though this was a gathering of the ablest and most distinguished men of the State, Judge Norton by tacit consent at once assumed a place among the leaders. He labored and voted against the ordinance of secession and had the satisfaction of seeing it defeated. He was likewise one of the ablest of the State's Representatives in the stormy Thirty-seventh Congress, but on the expiration of his term, the bitterness of the war and the proscriptive influences of those times, decided him not to allow his name to be used as a candidate to succeed himself. He returned to his law practice at Platte City, building up an excellent clientele, which was not again interfered with by a call to public duty until 1875, when he was delegated as a member of the Convention which formulated the present Constitution of Missouri.

In October of 1876, he was appointed Judge of the Supreme Court of Missouri, to fill the unexpired term of Judge Henry M. Vories. This term ending in 1879, he was regularly nominated for the office and elected for a term of ten years. Again his great popularity and the loyal esteem in which the people held him were testified, as well as the fact that such sentiments were not confined to any district, but extended over the whole State. He went into office with a phenomenal plurality of about 100,000. He served out his full term on the Supreme Bench, where he made a reputation as one of the wisest jurists who ever sat in that exalted place, and on the expiration of his ten years (January 1, 1889), declined a re-election, which would have been gladly given. Since then he has frequently been named as a possible candidate for Governor and other high offices, but without consent or prompting from him, as he prefers to and has since 1889 lived a retired life.

In point of membership, Judge Norton is perhaps one of the oldest Odd Fellows in the State. He is a member of Nebraska Lodge, of Platte City, and has been for over fifty years. He is also an Encampment member.



E. H. Norton

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In 1850 Judge Norton was united in marriage to Malinda C. Wilson, daughter of John Wilson, of Platte City, who in times past was one of the most prominent lawyers of Northwest Missouri. The old age of Judge Norton is blessed and supported by seven surviving children, five sons and two daughters, his wife having died in 1873. He was again united in marriage in 1877 to Mrs. Missouri A. Marshall, of Platte City, a most estimable and lovable woman.

PEYTON ALLEN PARKS,

CLINTON.

PEYTON ALLEN PARKS, of Clinton, is a lawyer both by instinct and education. He is the third of his generation in the male line that has essayed the law and been successful in that field. His father is perhaps the oldest lawyer in commission in Henry County.

Peyton A. Parks comes of excellent stock, and both his paternal and maternal branches are families who were among the first settlers of Henry County. He is the son of James Parks and Mary Allen, his wife, the former being a man of high worth, in whose integrity the people of his home have almost unlimited confidence. He has been a resident of Henry County and a practicing attorney at Clinton for over thirty-five years and for the past twenty-five years has been Probate Judge. So solidly grounded is he in the esteem of the people, that they have come to look upon him as the natural incumbent of the office, and although he has made the effort to retire more than once, so urgent has been the demand for his retention of the office, that he has always acquiesced. Men named Parks were among the Cavaliers who settled Virginia in pre-Revolutionary times. A number of Mr. Parks' ancestors were well known soldiers in the great contest for American freedom. His Grandfather Parks moved from Virginia to Kentucky, and there read law under "Black Bob" Letcher, who was Governor of Kentucky. The grandfather, in 1827, came to Missouri and settled in Cooper, afterward removing to Henry County.

The Allens, which is the maternal branch of Mr. Parks' ancestry, are of Scotch-Irish origin, and on coming to America they settled in Tennessee. The immediate ancestors of our subject on this side came to Missouri and settled in Henry County when it was little more than a broad stretch of blossoming prairie, and they are therefore rated as among the earliest pioneers of Southwest Missouri, and as a family are held in the highest esteem by all who know them.

Peyton Allen Parks was born in Henry County, August 27, 1855. He was educated in the common and private schools of Clinton, which are justly celebrated for their excellence. As a boy he was of a studious turn of mind and was a student who always stood well in his class. During the final years of his attendance at the public schools he was always the one selected by the principal to assist him when the work grew pressing. As I remember him then, he was always willing and helpful both to teachers and pupils. Kindliness was even then one of his marked traits. To everybody he yielded a patient consideration, which is after all, full measure of gentility. There was none more popular with his school-fellows and the corps of teachers than Peyton A. Parks. These traits and characteristics have been developed by his contact with the world.

After his own academic schooling was finished, he spent four years (from 1876 to 1879) in imparting knowledge to others in the schools of Henry County. Then he entered his

father's office, and after reading a time went to Chicago, entered the Chicago Law School and completed his legal education. He was admitted to the bar at Clinton in August, 1880, by Judge Foster P. Wright and has been in practice at Clinton ever since.

Mr. Parks has risen steadily from the time he was licensed to practice. Becoming at once the partner of his father, who had a good practice, he was given plenty to do in the legal line. At the present time he is unquestionably one of the most successful lawyers of his section. The confidence of the people in him has grown with the years. People know that they can depend on him absolutely and that his word is considered by him inviolable. He is a ready speaker and at times even eloquent, but in presenting his side of a case, is inclined rather to emphasize the facts of the evidence than to depend on the effect of unsupported flights of oratory. His sagacity and quickness are apparent in his cross-examinations, in which he seeks to gain the confidence of a witness, and although he may be severe at times, his coolness and courtesy are more exasperating to the entangled witness than the most fierce and threatening attitude. I would say that his present success is largely due to the determination with which he concentrates his mind on the work before him. He knows the value of close observation, and has the patience to take infinite pains.

A case which did much to increase his prestige was the suit of the City of Clinton to the use of Thornton & Company versus Henry County. It was a suit brought to charge county property (the court house, etc.) with the payment of a special tax for macadamizing the streets around the court house square. Mr. Parks held that the county was not so liable. The suit was hotly contested and finally reached the Supreme Court, which sustained Mr. Parks' view of the case. The case is important because it now stands as a precedent, being the first case ever decided involving those questions.

Excepting the School Commissionership of Henry County, in which capacity he served from 1879 to 1881, Mr. Parks has never held a public office of any kind. That he is sincere when he says that he does not desire to serve the public in that way, no citizen of Henry County doubts. Nevertheless, he does more, perhaps, to shape the action of his party than any other man in the county. He is a thorough Democrat, and that party has always dominated the political affairs of the county. He is neither a politician or anything approaching a boss, but by general consent he is looked to as a leader in all the campaigns of his party.

Mr. Parks was married September 21, 1882, at Montrose, Missouri, to Miss Mary, daughter of James W. Gatright, of Calloway, Missouri. The Gatrights are of the old, the "Virginian school" of Missourians. Mr. and Mrs. Parks have one child, James Allen Parks, born October 13, 1883.

A SCHOOL-FELLOW.

St. Louis, Mo.,
February, 1898.

JOHN LEE PEAK,

KANSAS CITY.

JOHN LEE PEAK, of Kansas City, lawyer and diplomat, was born in Scott County, Kentucky, in April, 1839. He comes of the most virile Kentucky stock, both branches of his ancestry being people of influence and standing in the Blue Grass State. The Peaks were originally English, but emigrated to this country some time in the Seven-

teenth Century. They settled in Virginia, and from there the grandfather of the present Mr. Peak emigrated in Kentucky about 1780, and since that time, more than a century, the name has been widely known and respected in that State. The father of Mr. Peak, Jordan J. Peak, was a farmer (as were his ancestors before him), and married Eliza A. Bradley, a member of a family no less prominent than his own. Her brother, Benjamin F. Bradley, was a member in the Confederate Congress, and fought bravely throughout the late war as a Colonel in the Confederate service. He was one of the most prominent Kentucky lawyers of his day, and after the war served his State as a member of the Kentucky Senate. The Bradleys, like the Peaks, were of English origin and also settled in Virginia. This settlement was made some time prior to the Revolution, and from that State the family spread to Kentucky.

John Lee Peak was born and spent his boyhood on the old homestead plantation in Scott County. He was educated at the private schools then maintained in Kentucky. He later entered Georgetown University and graduated in a class that was noted for the number of its students who afterward made reputations; among others such able Kentuckians as Lieutenant-Governor Cantrill, Judge Reed and J. Q. A. Ward, all noted jurists. Mr. Peak was nineteen years old when he graduated from Georgetown University in 1858. Although he had partly decided on the law as a career, he did not take up its study until 1860, in which year he entered the Louisville Law School. In 1861 he entered the law office of M. Polk, at Georgetown, Kentucky, and was admitted to regular practice in 1862 by the Kentucky Court of Appeals. His oratorical talents were early made apparent. While at college he was the champion of the society debates, and his accomplishments in that line received signal recognition in his election as the Washington Birthday orator in 1860 at the Louisville Law School. He opened in the same year an office in Georgetown and began practice, remaining there until 1868, when he acted on the decision to seek a better field in the new and expanding West. In May, 1868, he reached Kansas City, then a crude and unfinished place which could scarcely be considered more than a hustling river town. He believed then that the wild and undeveloped place had a future before it, and he accordingly settled there and was soon established in the practice which he yet follows. His first partnership in Kansas City was with Joseph M. Rodgers, now manager of the Queen Insurance Company, and resident of Chicago, as association which lasted two years. He next entered into a partnership with Caldwell Yeaman, now a Circuit Judge of Denver, Colorado, which was followed by a professional association with the late L. O. Boggess, which continued up to 1875. Mr. Peak was alone until 1877, when the firm of Peak & Yeager was organized. In 1884, R. E. Ball was admitted to the firm, which was known as Peak, Yeager & Ball until 1892, when Hon. R. L. Yeager withdrew, and the firm became Peak & Ball, as which it is still known.

Mr. Peak has always claimed that the legal field was wide enough to satisfy even the ambitions of an Alexander the Great, who wept because he found the trade of war too narrow for his vaulting aspirations. He has always been governed by the conviction that one who would attain an eminent success in the law must devote his time, effort and life thereto, and therefore he has put aside many tempting offers of political preferment. But it is the fortune of almost every young lawyer who shows more than ordinary qualifications to pass through the Prosecuting Attorneyship, which may be considered as a school of professional experience rather than a mere political position. Mr. Peak was no exception to the rule, though the school of that official experience was with him wider than

that which falls to the lot of most young lawyers; for Jackson County in 1876, when he was first elected, was then one of the richest and most populous counties of the State, but was still in a rather unsettled state owing to the changes incidental to its rapid development then taking place. The young Prosecuting Attorney entered upon his duties zealously and did his duty well. In 1878 he was re-elected, thus holding the office four years. He retired to private practice until 1895, when he was persuaded to accept the high honor of Minister to Switzerland, tendered him by President Grover Cleveland. Thus Mr. Peak became the successor of the venerable James O. Broadhead, who resigned, and held the position until after the inauguration of McKinley. Differing with the new administration politically, and always a firm believer in the theory that every administration should have officials in political harmony with it to satisfactorily carry out its policy, he gave a practical demonstration of his principles by at once tendering his resignation. The resignation was not accepted, so he again proffered it in June, 1897, when it was accepted to take place in August, but was coupled with the request from the State Department that Mr. Peak serve until his successor was appointed. This was finally done, and Mr. Peak at once returned home and took up his practice where he had left off.

Mr. Peak is very influential locally in Masonic circles, of which order he has been a member for several years. He is a Knight Templar, and has been Eminent Commander of Oriental Commandery, No. 45, Kansas City. Religiously he is an active member of the Baptist Church, and is politically a Democrat.

It was while a student at Georgetown, Kentucky, that Mr. Peak met the lady who became his life partner and to whom he was married in November, 1862, a few months after his admission to the bar. She was Miss Martha Daviess, daughter of James H. Daviess, one of Kentucky's most able and distinguised lawyers, and the grandniece of Joseph Hamilton Daviess, a lawyer of still wider celebrity. It was he who proved himself the equal of Henry Clay in the famous trial for treason of Aaron Burr, whom Clay defended. Daviess conducted the prosecution, and the meeting of these two legal and intellectual giants is one of the most notable contests of the kind in American history. Joseph H. Daviess has a lasting monument in Daviess County, Missouri, which was named for him. Mr. and Mrs. Peak have three children, all daughters and now young ladies, who are the pride of their parents' hearts.

Although Mr. Peak stands in the front rank of his profession, it cannot be doubted that he is endowed with a capacity for large affairs and a statesman-like quality which would have won him celebrity had his ambitions led him toward a public career. At Berne he succeeded in winning the respect and esteem of the Swiss in a remarkable degree, and represented the United States with both dignity and ability. Although he has refused to enter politics, except in the capacity of a personally disinterested private citizen, he has nevertheless exerted an influence in that arena. Although never a member of the legislative branch of the Government, he has left his impress on the laws of the State. It was while Prosecuting Attorney of Jackson County that he observed many defects in the law, one of which was the lack of adequate provisions relating to insolvent banks, and likewise a deficiency in the laws defining the responsibilities of State officers. He at once began a campaign to awaken public sentiment on these questions, setting forth his views whenever opportunity offered, and as a result the Legislature embodied his ideas on both questions in laws which are now operative. His principal contention

is expressed in the act making it a felony for the officer of a bank to receive deposits when he knows his bank is in a failing condition.

Mr. Peak's practice is both criminal and civil, and in both branches he has been very successful. He has appeared as the prosecutor in no less than twenty-nine murder cases since he has been in Kansas City, and out of this number he has twenty-two convictions to his credit — a remarkable record.

JUNIUS WOODSON PEERY,

ALBANY.

JUNIUS WOODSON PEERY was born in Grundy County, Missouri, June 28, 1855, and is the son of William and Lucy A. (Forkner) Peery. The father was a respected and influential citizen of his county, and was extensively engaged in the mercantile and live stock business. The Peerys were of Scotch-Irish extraction and came to this country prior to the Revolution. Three brothers of that name settled in Virginia, and as the stock proved very virile and persistent, their descendants are to be found all over the West. The Peery who located in Missouri about sixty years ago was the grandfather of our subject, and thus it will be noted that the family must be placed with the oldest pioneers of the State. The Forkners, the maternal branch, were of Irish origin, and came from North Carolina, where Mr. Peery's grandfather was an extensive planter. The panic of 1837 induced a change in his affairs, and as a result he emigrated to Missouri.

The subject of this biography received his education in the common schools of Grundy County, and at Grand River College, at Edinburg, Grundy County, an institution that was established and built by his father. After his graduation he went to Albany, about sixty miles westward, and entered the office of his uncle, Judge George W. Lewis, to fit himself for the bar. He was regularly admitted in November, 1877, and in the following March, 1878, he located at Bloomington, Nebraska, to practice his profession. He remained at that place until 1882, and then returned to Albany, where he has since successfully practiced.

Mr. Peery has never had the political aspirations characteristic of some lawyers. His ambitions are wholly professional, but he is vitally interested in good government, and therefore his concern with politics is altruistic and disinterested. In 1896 he attended the Chicago Convention as an alternate delegate from his district. He is a Democrat of ancient faith and strict principles. He is sensible of his duty to his town and county, and to all civic enterprises of advancement he lends his influence and assistance. He is prominent locally in Knights of Pythias circles and is a member of the Ancient Order of United Workmen. His practice is largely civil, but he is an adept in all departments of law. He has been engaged in a number of criminal cases and is noted for his conscientious efforts and fidelity in behalf of his clients. He has appeared in many of the more important cases that have come up within his field of practice, and of these may be cited the cases of the State versus Gibson, 111 Missouri Reports, 92; State versus Pettit, 119 Missouri Reports, 410; Bird versus Sellers, 122 Missouri Reports, 23.

Mr. Peery was married in April, 1890, at Chillicothe, Missouri, to Miss Leora, daughter of F. W. Trent, a retired merchant of Chillicothe. The Trents are an old Virginian family of French extraction. Mr. and Mrs. Peery have one child, a daughter, six years old, named Louise Trent.

WILLIAM H. PHELPS,

CARTHAGE.

ONE of the best known men in Missouri is the Hon. William H. Phelps, of Carthage, he perhaps, being able to meet and greet by name a larger number of Missourians than any other man of the commonwealth. For years he has been a ruling influence in the affairs of the Democratic party, although he has never but once been a candidate for any office.

Colonel Phelps, as he is universally called, was born October 16, 1845, at Hinsdale, Cattaraugus County, New York, and is the son of Cyrus and Charlotte Phelps. His mother's family name was Howe, and her father was a soldier of the War of 1812. The great grandfathers of Mr. Phelps, in both houses, were among those American patriot-soldiers, who in the War of 1776 gave this country its form and being. Mr. Phelps passed his youth on his father's farm and like most boys so situated, sandwiched much hard, strength-developing labor between his terms of attendance at the district school. But the boy's life was animated by high plans and hopes for the future, as he early decided that agriculture as a calling was not suited to him. He therefore took the scientific and classical course at Olean Academy and then read law under Hon. M. B. Champlain, a lawyer of the highest attainments, who was twice Attorney General of New York. The finishing courses of legal instruction were given by the Albany Law School, at Albany, New York, and he was admitted to the bar in October, 1866.

As soon as he could make the necessary preparations and bid his boyhood friends adieu, he left for the West, ready to accept the best that Fortune had to offer in that land where the foundation of a great civilization was being laid. He reached Carthage, Missouri, in the spring of 1867, liked the town and the years he has continued to reside there since have in nowise operated to decrease his good opinion. He opened an office and got a reasonable amount of practice. In 1874 he was induced to become a candidate for the Legislature, was elected, and being one of those uncommon men of initiative energy, disposed to act while others think, and have a definite plan to propose while other men are wondering what is best to do, he naturally wielded great influence with his colleagues. He was applied to for advice and his native capacity as a law maker was readily acknowledged. He was a member of the Judiciary Committee, the Committee on Criminal Jurisprudence, and served as Chairman of the Committee on Local Bills.

Colonel Phelps has by virtue of intellectual power and personal charm made himself one of the best known and most influential men of the commonwealth. Although never asking, or in a state of mind to receive any political reward whatever, for years he has been known as one of the creative minds of the Democratic party in this State. For a decade or more he has been a potent force in shaping its action. He is a natural diplomat, and years of constant intercourse with the best men of his time has polished and perfected this faculty to the highest possible degree. Suave in manner, persuasive and polite, he seeks to control

men by leading rather than by methods which have any suggestion of driving. His experience with men is most inclusive. As Assistant General Solicitor of the great Missouri Pacific railway system, charged with the duty of protecting his client's interest on many sides, he has shown a tact, skill and wealth of resource which have compelled admiration that is his as one of the ablest men of the State. Notwithstanding his diplomacy and his art of winning men to his view, he is a man of inflexible will and high spirit. His personal courage has been more than once tested and is without a flaw.

Colonel Phelps was married February 8, 1868, to Miss Lois J. Wilson, of Summit County, Ohio. An interesting family of children have been born to the couple. Although Colonel Phelps' office as attorney for his road, frequently takes him away from home for weeks at a time, he loves the quiet joys of home and family above all else. He resides at the picturesque and interesting town of Carthage, in a beautiful mansion, recently erected, which is said to be the finest and most beautiful home in that part of the State.

JOHN FINIS PHILIPS,

KANSAS CITY.

THE history of Judge John Finis Philips, of Kansas City, soldier, jurist, orator and statesman, should be to the pen of the biographer an inspiration, qualified though it must be by a knowledge of a lack of ability to accord such an able and eminent man the justice that is his due. That John F. Philips must be given high rank among the many sons of Missouri who are her moral and intellectual Titans, and that luster will be added to that page of her history on which his name is written, no one will question. His fame has long ago passed beyond the confines of the State of his birth and life, but in him is not found the verification of that bit of poetic phrase which tells how "distance lends enchantment to the view," but rather an exception to the rule, for on the contrary it is true that the nearer he is approached, the more worthy he is found of public honor and private regard, and that his greatness of soul and intellect is most clearly apparent to those who know him best; to those who as his neighbors and friends hold close contact and communion with him. He must indeed be nobly endowed whose qualities are such as to withstand the familiarity of daily life, and make of it an agency whereby respect is engendered rather than the contempt which such intimacy is said to breed. In this respect Judge Philips is peculiar. The circle of his fame extends as the wavelets from a stone cast into the waters, not increasing fictitiously on the outer circumference, but naturally and justly of greatest moment and effect at the center. He is a many-sided man, and in this respect also is peculiar; for on every side he presents a polished and perfected surface. As a soldier he displayed a natural aptitude for the science of war, and by brave and gallant conduct won high promotion; as a statesman he proved his eminent ability and his deep knowledge of the affairs of State; he is a brilliant scholar, and as a citizen is worthy the emulation of every youth who aspires; but it is as a jurist and orator that he is best known, and this is the field in which he most fully demonstrates his great abilities. He is a student of the law and his knowledge of it is profound, while as an orator he is brilliant, graceful and eloquent.

His father, John G. Philips, was of Irish ancestry, and although born in Virginia, was early in life taken to Kentucky, which must hold in its environment much that is best calculated to shape character aright and develop strength and virility in men and

the highest virtue and beauty in women. Here he grew to manhood. He was a patriot and an ardent lover of his country, and when the War of 1812 broke out, was one of the soldiers of the republic. Although but a boy in his 'teens, he demonstrated that in fortitude and courage he was the equal of any of his comrades. He followed General Harrison on his "Tippecanoe Campaign," and saw much active service. In 1817 he married Miss Mary Copeland, of Mercer County, Kentucky, and moved by that pioneer courage and love of adventure which nothing daunted, the couple determined to seek their fortune in that wilderness then known as the Territory of Missouri. After the fatigue and dangers of weeks of travel, they at last reached what is now Boone County, and settled near Thrall's Prairie, and faced the future with all the world before them and with no capital but strong and willing hearts and hands. There the elder Philips laid the foundation of the old homestead, where the family lived for half a century and where John F., the youngest child of the family, was born December 31, 1834.

Young John F. passed his childhood and youth, as do most country lads, imbibing a love of nature from an intimate association with her in her various moods, and being trained in the practice of industry and self-reliance by his excellent parents. His father impressed his mind with the dignity of labor and his mother early instructed him as to his duty to himself and to others. It was she also who early led his mind to the study of books and encouraged him to cultivate a taste for such things. From an early age he assisted at the work of the farm, attending the district school in winter. His mother was a thorough believer in the adaantage of education, and to her he is largely indebted for his rudimentary education. But he early co-operated with her efforts, as he soon displayed a taste for study and all of his idle time was spent with his books. His mother more accurately gauged the talents and abilities of her son than any one else, and was ambitious for him to adopt the law as a profession, and accordingly he procured a set of text books and began the work of instructing himself in the law's intricacies. He read these works and re-read them, studying and analyzing them, with the result that he was well versed in the law when in 1856 he entered the office of Gen. John B. Clark, of Fayette. Besides the instruction he obtained by study at home, Colonel Philips was given an excellent schooling in the literary branches in private schools and at Missouri University, which he entered in 1851 and left in 1853. In the same year he went to Kentucky and matriculated at Centre College, there completing his education, and graduating with honor in April, 1855. As before stated, he entered the office of General Clark at Fayette in 1856, and in 1857 he passed his examination, was admitted to the bar and turned out a full-fledged lawyer.

He located at Georgetown, Pettis County, which was then a town of comparative importance, but has since been overwhelmed and in a measure extinguished by the greater development of Sedalia. The young lawyer believed in beginning life aright, and accordingly, in the same year he began the practice of law, entered into a life partnership with the sweetheart of his college days, Miss Fleecie Batterton, of Danville, Kentucky.

Those were days of great possibilities to the young man of ambition and of energy in Missouri. The State was just beginning that development which within a few decades transformed it from a virgin and sparsely settled country into a rich and productive State, and naturally in such a condition the best and strongest are frequently given opportunities to claim their own. It is not surprising then that the young lawyer soon demonstrated the mettle that was in him, or that at the breaking out of the Rebellion he was reaping the benefits of a good practice. He had already forged to the front, and his brilliancy and



Jno F. Philips

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oratory had won him the marked attention of the public. Young as he was, he in 1860 was honored by the position of Alternate Presidential Elector on the Bell and Everett ticket. The eloquence and the intellectual forcefulness of the young orator merited this mark of confidence, as well as the higher honor of a place in that Convention called to consider the relations of the State to the Federal Government. It was in 1861 that he was nominated to represent his Senatorial District in that important and dignified body, and making the canvass as a pronounced Union man, was elected by a large majority over such able and popular men as Judge William B. Napton and Frank T. Mitchell. With one exception he was the youngest member of that potent and venerable convention, but notwithstanding this, his eloquence and genius forced him into a conspicuous position, and although he bore himself modestly, as was fitting in the presence of age and experience, he to no small extent determined the results of its deliberations.

But the breaking of the war cloud changed everything, upset everything, reversed everything, and naturally had a profound bearing on the fortunes of the subject of this biography. It suspended the professional work in which he was engaged, but offered opportunities to gain distinction in another field. His efforts in the Convention which formally ratified the loyalty of Missouri to the Union, attracted the attention of Governor Gamble, who marked the young lawyer as one who displayed characteristics as a natural leader of men. The Governor had obtained permission from President Lincoln to organize ten regiments of special cavalry for the Federal service, and he selected Mr. Philips as one of the ten to carry out this plan. The latter began the work of recruiting, and in a short time the Seventh Cavalry Regiment reported for duty, with John F. Philips as Colonel, Thomas T. Crittenden (afterward Governor of Missouri), as Lieutenant Colonel, and Emory S. Foster (now of St. Louis) as first Major. The regiment did effective service in Missouri and Arkansas and was frequently complimented by division commanders for its gallant bearing. For bravery and gallantry in repelling Price when he raided Missouri, Colonel Philips received the commendations of Major-General Pleasanton, and was placed by Department Commander Rosecrans in charge of the Central District of Missouri, and by Governor Hall was brevetted Brigadier General, but failed of confirmation, not being in sympathy with the extreme party then in the majority in the State Senate.

On the declaration of peace he returned to his legal work, locating at Sedalia, where he was complimented by the opening of negotiations for a partnership, coming from Judge Russell Hicks, then the Nestor of the Missouri bar. This partnership was strengthened in 1866 by the admission of the Hon. George G. Vest, now Senator from Missouri, this arrangement continuing up to 1869, when Judge Hicks withdrew. The firm built up an enormous practice, and its wide extent and character are shown by the fact that their briefs range from the thirty-fifth to the seventy-seventh volume of Missouri Reports. This practice extended to many counties and covered every variety of litigation in all the courts, and in this connection the fact is worthy of record that Mr. Philips made the first important argument before Judge Dillon of the United States Circuit Court in the celebrated bond litigation in Missouri, and he was one of the leading attorneys in that battle of able lawyers.

His tastes incline him to the pursuits of private life, rather than to the strife of public and political contests, but his light could not be hid under a bushel, and in every contest involving public interests he has appeared on the side of the people and for justice and right. The ex-Confederates owe him much, as after the war he was one of the ablest

advocates of pacification. In 1868 he was a delegate to the National Democratic Convention which nominated Seymour and Blair, and the same year was, without his knowledge or consent, nominated for Congress. Owing to the operations of the disfranchising registration law of that time, his defeat was a foregone conclusion, but he made the race, and in 1874 was again nominated, and elected to the Forty-fourth Congress. Although a new member, his genius largely compensated for that disability and before the end of his term he was recognized as one of the brainy men of the House. He played a conspicuous part in the electoral troubles incidental to the Hayes-Tilden election, and his speech in the Electoral College in answer to Hoar of Massachusetts must be regarded as one of the finest examples of forcible and eloquent expression in the history of those times. The Speaker of the House recognized the analytical bent of his mind and made him a member of the special committee to go to South Carolina and investigate the Hayes–Tilden returns. His report thereon was conspicuous for its conciseness and clearness. He retired from Congress, March 4, 1881.

On returning from Washington to Sedalia, the place in his firm having been filled by James B. Gantt, now Supreme Judge, he determined to separate himself from politics if possible and practice his profession. As a measure contributing to this end, he fixed on Kansas City as a location and permanently established his home there in the spring of 1882.

It was his intention to enter the field of regular practice, as this is the work of all others to which his tastes incline him and to which his talents fit him. But he towered as a man and a lawyer too high above his fellows to long escape a call to the public service. Shortly after his removal to Kansas City, the Legislature provided for the selection of three Supreme Court Commissioners to aid the Supreme Court, which was greatly in arrears with its work. Judge Philips, Judge Alexander Martin, now Dean of the State University Law School, and Mr. Winslow were the three selected, and they entered on their duties in March, 1883. This body existed until January 1, 1885, an amendment to the State Constitution having prior to this abolished it and created in its place two Courts of Appeal, one at St. Louis and the other at Kansas City. Judge Philips was again drafted for public service and was appointed one of the three Judges for the Western District Court. He acted as Presiding Judge of this body until 1888, in June of which year he was appointed Judge of the United States District Court for the Western District of Missouri, to succeed the late Judge Krekel, and still occupies that seat.

In the field of polite literature the Judge has displayed many scholarly attainments, and as a post-prandial orator is famous. His wide and general knowledge of subjects of every character has made him in demand as an orator before college bodies and other gatherings of wide range in their variety. One of his most commendable efforts in this line, was made before the Triennial Conclave of the Phi Delta Theta Society, at Nashville, Tennessee, a few years ago, when he delivered an address that was a marvel of polished thought and elegant diction. He has been honored by the degree of LL. D., conferred on him by Missouri University, Centre College of Kentucky and Central College, Missouri.

On the benches of the Supreme Court Commission, the Court of Appeals and the United States District Court, Judge Philips showed another side of his character. To be superior in many things is a genius accorded to few men, but whatever he has essayed, the Judge has shown a knowledge of the subject and an adaptability to the requirements of the case that would lead to the belief that he had been a specialist all his life and had bent his

efforts to fitting himself in that particular line. Whatever may be its other endowments, his is a mind essentially judicial. His wide range of legal knowledge is shown in his opinions and decisions, which are marked by their clearness and completeness. Another element of his character is decision. He never hesitates or evades the issue, and his quick intelligence and intuitive perception of the merits and bearings of the case, seldom leads him into error. On assuming the Federal ermine, many new and intricate legal questions confronted him. During the time he has sat on the Federal bench, he has grappled with many questions of constitutional import, has had to decide matters involving the principles of Federal law as it applies to corporations, real estate, mining, patents, etc., some of which were supposed to require a technical expert in their elucidation, but the Judge proved equal to every requirement of the office, and disposes of the big docket that confronts him, always with a promptness and thoroughness that is surprising. Few Judges have earned his fame in the same length of time for the soundness of their opinions or their forceful thoroughness. His industry is only equalled by his decisiveness, and this is shown in the fact that during the five years he was on the bench of the Commission and the Court of Appeals he wrote and delivered 437 opinions.

As a lawyer before the bar and as a forensic orator, Judge Philips has shown a power and ability that have seldom been equaled in the history of the Missouri bar. He was exhaustive in the preparation of a case, and his thorough understanding of it in all its possible bearings, his mastery of the law and his accuracy made him an invincible opponent. His oratory is persuasive, forceful, polished in rhetoric and abounding in graceful and well rounded periods.

While averse to all cases of a criminal character, the disturbed character of society just subsequent to the war almost forced him to take such cases, and his great ability as a pleader has since then made the demand for his services so urgent that in all cases he has not been able to refuse. His acceptance of the defense of Frank James, the noted bandit, illustrates his kindness of heart and his devotion to a sense of duty. Although James was a member of the noted command of the rebel guerilla, Quantrell, and Judge Philips was a Colonel in the Union Army, and both operated in the same territory, it was to the latter that James applied through a friend, when he was considering the matter of surrendering to the State. The appeal to the Judge was reinforced by the statement that James was without money with which to pay for legal service, and this is believed to have had much to do with deciding the Judge to accept the case. He felt that humanity and chivalry demanded of him a defense of one in trouble and without money, notwithstanding that the odium and disfavor in which the noted guerilla was held, he knew would bring down on him a shower of criticism and abuse. But that was one more reason why he should undertake the case, and he did. All his great skill, learning, tact and ability were marshaled in that memorable trial. When he faced the jury he made the greatest speech of his life. It was preserved by the stenographer, and the strength, boldness, passionate eloquence and invocation of the spirit of Justice under a constitutional government, of that great plea have seldom been equaled in forensic annals. As is well known, James was acquitted, and no one conversant with the facts doubts that his able and eloquent defense was in the largest measure contributory to that result. During his career, Judge Philips has appeared as the defender in twenty-one murder cases, only two of which were lost, and these were reduced to lesser grades of manslaughter. Of five cases defended in other high felonies, he lost none.

The Judge is still in the prime of life, alert, strong and virile. His future as a jurist is full of promise, and it is not too much to assume that his career has not yet reached the zenith of its fame.

Religiously he subscribes to the Presbyterian interpretation of faith. In 1877 he was a delegate representing this church in the Pan-Presbyterian Convention at Edinburgh, Scotland, and he took advantage of this opportunity to travel over most parts of Europe and visit all points of interest.

Judge and Mrs. Philips have two children, a son and a daughter. The son, Emmett, has followed in the footsteps of his father and adopted the law as a profession. He is located in St. Louis and is rapidly demonstrating his ability. The daughter, Hortense, is now married to William M. Fible, a broker of Kansas City.

VINTON PIKE,

SAINT JOSEPH.

OF a long line of Puritan ancestors, dating their beginning in America so far back that history has preserved neither the day nor the year, comes Vinton Pike, the well-known St. Joseph lawyer, who was born April 3, 1850, at Cornish, York County, Maine. His father was Charles W. Pike, and his mother, Susan Pike, was before marriage a member of the Lewis family. The first named was a farmer, a man of the highest character and one of more than ordinary education, having been in early life a teacher. He was always deeply interested in educational matters, and for many years served as Supervisor of public schools of his town. He was a lineal descendant of Robert Pike, of Salisbury, Massachusetts, who lived from 1620 to 1707, and who was a noted man of his day. His life is the subject of J. S. Pike's "New Puritan," published in 1879, and his character is also celebrated in Whittier's "How the Women Went from Dover," and in "Margaret Smith's Journal." One of Robert's descendants, John Pike, of Epping, New Hampshire, the great great grandfather of the subject of this sketch, appears as a signer of the "Association Test." This Pike was a farmer and also a "Master Builder," in those days nearly the same as an architect of the present time. His sons settled on a tract of land in Cornish, York County, Maine, soon after the close of the American Revolution, and their descendants are now among the leading citizens of that county. The family of his mother was also engaged in agriculture and was among the oldest and most highly respected of that part of the State.

Vinton Pike was educated in the public schools of his native town and at North Bridgeton (Maine) Academy. In April, 1869, at the age of nineteen, he left his native place to follow that vast army which had sought fame and fortune toward the setting sun. Reaching St. Joseph, he entered the law office of his uncle, the late Judge Bennett Pike, who settled in St. Joseph in 1863, and in 1879 became a citizen of St. Louis. Vinton Pike was admitted to the bar at St. Joseph, May 23, 1872. Since that day he has been in continuous practice there, as well as in all other parts of Northwest Missouri. An unusual degree of success has been his, and this he has fully merited by reason of his assiduity as a legal student and his high natural ability as a barrister.

In politics he has not been an extreme partisan. Independence is one of his characteristics. He has always reached a well-defined opinion on every subject of personal and pub-

lic interest and has often found it difficult to yield personal conviction to the supposed exigencies of party. However, he has generally voted the Democratic ticket. In 1896 he was a delegate to the State Convention of the National Democracy at St. Louis. In view of his independence of party dictation it may be concluded that he was never desirous or ambitious of holding public office, and with the exception of acting as City Counselor of St. Joseph from April, 1882, to April, 1884, he has devoted his whole time and attention to the law. He is a member of the Masonic fraternity, having been connected with Zeredetha Lodge, No. 189, A. F. & A. M., for many years.

He was married June 6, 1878, to Miss Minnie Frances Hereford, daughter of Dr. Richard H. Hereford, a leading physician of Buchanan County. Two sons have been born to them: Vinton, Jr., and Hereford, aged respectively seventeen and fifteen.

Mr. Pike is in character a man of the highest principle, and those who know him feel that every act of his life springs from or is governed by motives that have been conscientiously measured by a careful consideration of what is just and right. He is inspired by high ideals, a believer in and a seeker of the Good and the True. Positivism is one of the marked traits of his character, and that much of his Puritan sternness and determination is to be noted in him, is not strange considering his antecedents. He is disposed to "hew to the line," and such determination and directness are two elements on which the success of the hardy New Englander is founded and by which he has demonstrated his fitness to survive in all places and surrounded by every condition. But such traits are softened by a kindliness of demeanor and a saving humor which cause those who know him to love him. As a lawyer his ability would place him high at any bar. He has been a student of his profession and he understands its intricacies fully.

THOMAS JEFFERSON PORTER,

SAINT JOSEPH.

JUDGE THOMAS JEFFERSON PORTER, of St. Joseph, comes of an honorable ancestral line, being able to trace his descent back to forefathers who played worthy parts in the history of the American Colonies, and to men of character and distinction in England, Scotland, France and Germany, he having in his veins the blood of people of all those countries. His father, Jesse J. Porter, was of English, Scotch and French derivation, and was the son of Truman Porter. He was born in Suffolk County, Long Island, New York, in 1804, and was married in New York City, May 6, 1837, to Marion M. Fowler, who became the mother of our subject. Miss Fowler, of English and German ancestry, was born in New York City, October 22, 1815, and was the daughter of David Fowler and Sarah Ann Brown, his wife. In the year of their union (1837), the young couple removed from New York to Greenville, Dark County, Ohio, and there their son, Thomas Jefferson was born, December 17, 1842. He was the second son of a family of five sons and four daughters, of whom three brothers — Welland M., of Cleveland, Oswego County, New York; Judge Virgil R., of Clinton County, Missouri; and Daniel R., and two sisters, Marion E. and Ida C., of Marion, Kansas, are living.

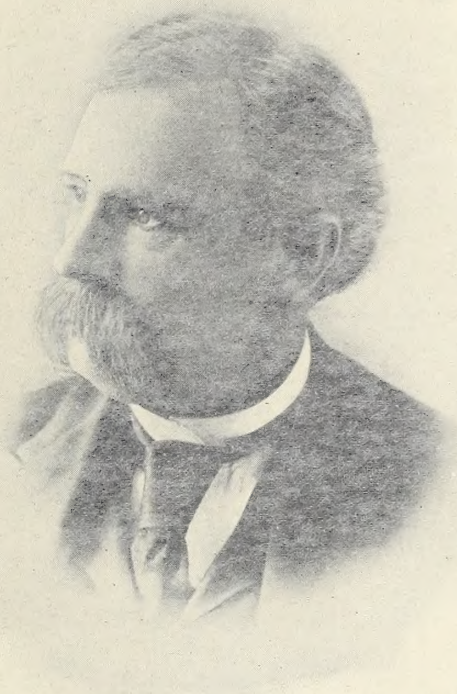
Jesse J. Porter, the father of the present Mr. Porter, died at Mount Moriah, Missouri, September 15, 1871, without an enemy in the world. Of extraordinary mental vigor, generous to a fault and governed in all the relations of life by the highest conceptions of honor,

he commanded the respect and confidence of all who knew him or of him. The wife and mother who had for so many years been his adviser and helpmeet, survived his death, and now, at the venerable age of eighty-two, still retains to a remarkable degree the mental and physical vigor of her youth. She was possessed in a rich measure of the wisdom, culture, virtue and nobility of soul which made her a model wife and mother — qualities with which she knew how to imbue her children.

In his native town, our subject passed his childhood until the removal of his family to Sidney, Shelby County, Ohio. He was there educated, and there, in 1860, when he was eighteen years old, he began his legal studies in the office of Edwin Smith, a distinguished lawyer of that day and section of Ohio. In 1863 the father, in the hope of bettering his condition, decided to move farther west, and the son who had lived at home up to that time, determined to go with his parents. They located at Leon, Iowa, where Thomas J. resumed his law studies in the office of John W. Warner. He completed his course in 1865, and in that year was admitted to the bar at Leon.

Not considering the outlook at Leon as favorable as it might have been, he concluded to seek a location elsewhere. Within a few months after his admission to the bar he reached Plattsburg, Missouri, and there pitched his habitation. It took some degree of courage for a young man only twenty-three years old, with no legal experience and only his courage, natural ability, the nucleus of a law library and a few dollars, to begin his career and ask the confidence and patronage of strangers, amidst lawyers of long acquaintance and years of practice. The difficulties of the situation were aggravated by the asperities bred by the bloody conflict just closed. The Federal soldier had just returned from the army flushed with victory, while to the sting of defeat suffered by his Confederate brother was added the harsh policy of civil disfranchisement. The public mind was inflamed and all things in a demoralized condition and one less resourceful and bold than the young lawyer would have found the prospect most discouraging.

In the face of such adverse conditions, he made his start, and soon so proved his strength that in a short time he was doing a reasonable legal business. Just at this time he was also submitted to a test which illustrated his sincerity of purpose and honesty of conviction as nothing else could. Many young men would have yielded to the allurements offered by a political party then exercising a complete and victorious sway in State and Nation. Many would have seen in this new party's sudden rise, with most of its leaders scarcely known to the people, the supreme opportunity of the ambitious but obscure young man. Coming to a strange community, none knew the young lawyer's former party predilections. Perhaps to none were these opportunities clearer than to the young stranger on the qui vive for means of advancement and with his faculties sharpened by inexorable necessity. But "Tom Porter," as he afterward came to be known by all of Northwest Missouri, was a man of principle. He was a Democrat, and though that party then seemed forever extinguished, he did not waver in his allegiance to it in the least. He boldly proclaimed his political belief and became a courageous advocate of the policy of re-enfranchising the late citizens in rebellion. He would not do violence to his convictions; to temporize was contrary to his nature, and thus by his steadfastness and activity as an advocate of Democratic principles at this critical time, he both attracted the attention of the people of Clinton County and won the confidence of his party. He enjoys that confidence to this day, and has been no less conspicuous than unselfish in the political affairs of Northwest Missouri for over thirty years. Because of his eloquence he is in constant demand in every campaign,



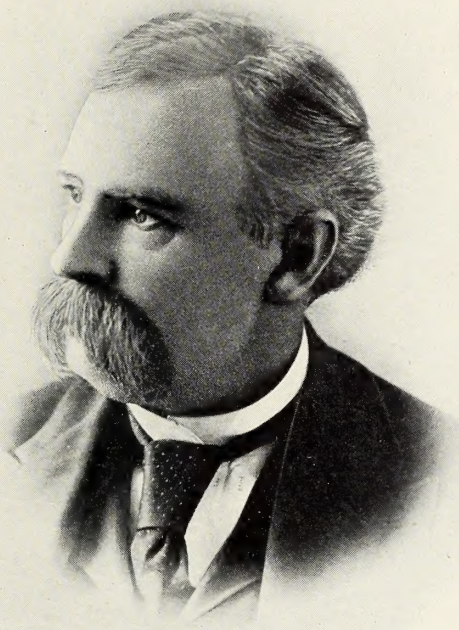
Thomas J. Porter

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Thomas J. Porter

and has given of his time and talent generously to advance the political cause in the right of which he sincerely believes. He is fair and courteous at all times. Even in the heat of a campaign these qualities are calculated to impress his opponents, for while in all things he is intense and positive he is bigoted in nothing.

In 1866 Judge Porter was appointed County Attorney of Clinton County, holding that office until the reorganization of the court following the election of that year, when he was succeeded by a Republican to agree with the political complexion of the court. In 1873 he was appointed by Governor Woodson, Judge of a court created for Clinton County by a special act of the Legislature, which had probate and other limited jurisdiction. He refused a re-election to this position, because it interferred with his law business. Frequently his name has been urged as his district's nominee for Congress, but only once with his acquiescence. This was in 1878, when he had as opponents before the convention, Gen. James Craig and Colonel Cundiff, of St. Joe; Judge Lafe Dawson, of Maryville; and Hon. David Rea, of Savannah. The last named was nominated after a protracted struggle in the convention. Again in 1886 he consented to the use of his name as a candidate for Judge of the Fifth Judicial District, comprised of the counties of Platte, Clay, Ray and Clinton. At the election, although he carried Platte, Ray and Clinton by handsome majorities, they were all overcome by the heavy vote of Clay for her favorite son, Judge James M. Sandusky.

In December, 1888, Judge Porter moved to St. Joseph, where he now resides, engaged in the practice of law. In his residence of about twenty-three years in Plattsburg, there were few cases of moment, either criminal or civil, in which he was not of counsel. He was engaged as a defender in every homicide case tried in Clinton County in that time, saving three. He defended the celebrated bandit, "Clel" Miller, whom it will be remembered was a companion of the Youngers and was killed in their celebrated attempt to rob the bank at Northfield, Minnesotta. Judge Porter defended Miller for robbing a bank at Chariton, Iowa, and secured his acquittal.

In October, 1866, Judge Porter was married to Sarah A. Shepherd, a native of Cumberland County, Ohio. She is of English and Scotch ancestry, and a member of one of the oldest families of Pennsylvania. To this union there have been born six children, one of whom, the only son, died in infancy. In those who survive, their parents have five charming and accomplished daughters, four of whom are still at home. Alleta Attella is now the wife of Warren R. Mintern, engaged in the grocery business at St. Joseph. They have two children, Warren Porter and Helen. The daughters still at home, the pride and comfort of their father, are Zella Kate, Nettie Viola, Florence Leonie and Clara.

Judge Porter has been no less active in civic than professional and political affairs. He was an able and untiring advocate of the construction of the St. Louis & St. Joseph, and the Chicago & Southwestern (now the Rock Island) railways through Clinton County, and has always exhibited the most liberal public spirit. For many years he has been a conscientious worker in the cause of Christ and a prominent member of the Presbyterian Church. His influence and effort have universally been exerted in behalf of everything that pertains to the good of mankind. Perhaps as fair an estimate of his character as has been made, here follows. It was written for this memoir by one who knows him intimately:

"Judge Porter is a man who is peculiarly and persistently true to his convictions. He never conceals or abandons them through purpose to placate or court the populace. With a highly analytic and discriminating mind, based on great study and the possession of wide

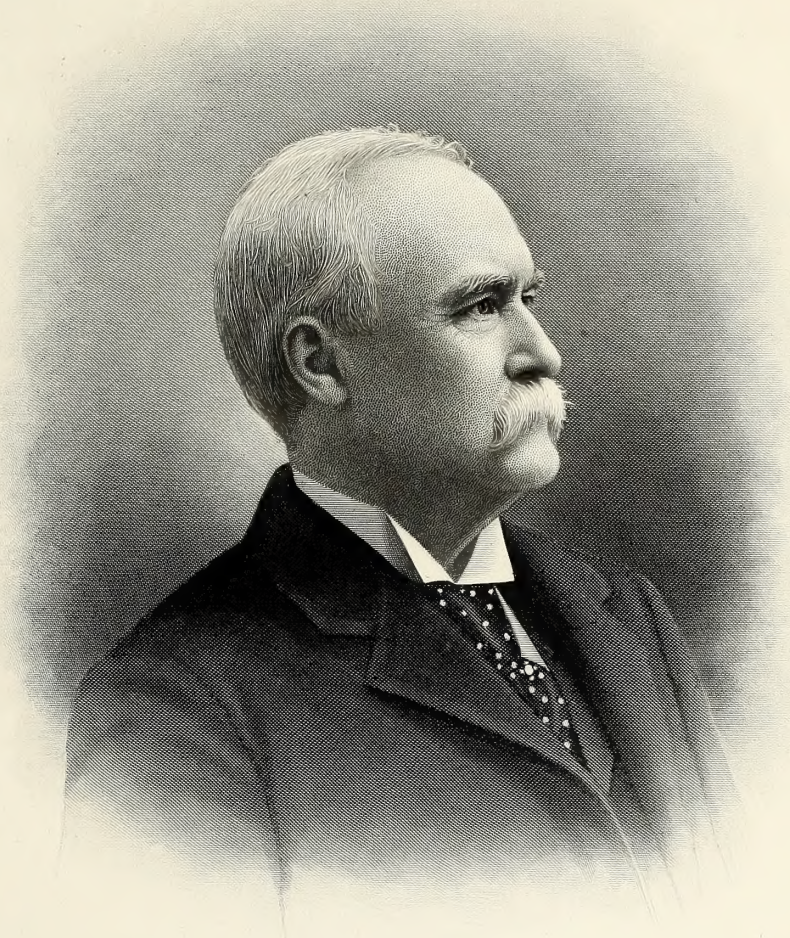
information, he assures himself of the correctness of his position and then goes forth to battle for it with eloquent tongue and persuasive logic. He, perhaps, has no superior in the State as a public speaker. There is certainly none who makes such convincing speeches. He is well nigh invincible in a campaign, because he appeals more to reason than prejudice and passion. His arguments are adorned with apt language and with such intellectual force as makes them effective and often irresistible. His method of presenting a matter to a jury is unique in that it is accompanied with evidence of sincerity as he proceeds, and armed with manifold displays of truth. He speaks with a natural grace and dignity that makes lasting impression, riveting the minds of his hearers with the deductions and conclusions he seeks to enforce and establish. The evident earnestness of the advocate is depicted in countenance, gesture and bearing with such force and effect as to secure attention, respect and approval. But the plain frankness, candor and genuineness of the man seem to explain the power of his pleas, and render him forceful at the bar, or to any audience he may address. His reputation is for all that is good, high-minded, honorable, and above reproach. The man who trusts him is always confident and secure, knowing that his interests are in wise and safe keeping. Those who know him best are ready to vouch for him in any enterprise in which he may engage, and to guarantee his fidelity and trustworthiness in any undertaking. Coupled with his rare ability are such admirable traits of character as make him a citizen and lawyer of extraordinary influence and distinction."

WALLACE PRATT,

KANSAS CITY.

WALLACE PRATT was born October 16, 1831, in Georgia, Vermont, where also were born his father, Nathan Pratt, and his mother, Charlotte Hotchkiss. His great grandfather, who settled in Vermont in about 1770, was a direct descendant of Lieut. William Pratt, who came to this country from England in 1633, and was one of the original proprietors of Hartford, Connecticut. The branch of the Hotchkiss family, to which Mr. Pratt's mother belonged, had also removed from Connecticut to Vermont; and this fact naturally led to close and intimate relations between the two families. In 1839 Mr. Pratt's father, with his family, removed from Vermont to Canton, St. Lawrence County, New York, where he soon became largely interested in the manufacture of pine lumber from the Adirondack forests.

In Canton the subject of this sketch was prepared for college, and, at the early age of fourteen, entered Union College, then under the control of the great educator, Dr. Eliphalet Nott, graduating in the class of 1849. Soon after leaving college Mr. Pratt began the study of law in the office of Hon. Henry L. Knowles, of Potsdam, New York, but his constant and close application resulted in impaired health, which obliged him, temporarily, to leave his studies and engage in outdoor life. From 1852 to 1855 he assisted his father in his lumber business, and spent a great part of his time in the forests of Northern New York, where his health was soon re-established, and the foundation laid for that strong, robust constitution which has accompanied him thus far through life, giving energy and vigor to his mind, as well as his body.



Wallace Rudy

Legal Publishing Co. St Louis.

In 1855 nearly all the lumbermen of Northern New York, including Mr. Pratt's father, were forced to suspend business, in consequence of the great influx of pine lumber from Canada, permitted to come in free of duty by the terms of the Reciprocity Act of 1854. This freed young Pratt from the somewhat irksome restraints of business pursuits and enabled him to turn his attention again to the law.

November 27, 1855, he was married in Canton, New York, to Adaline A. Russell, daughter of Hon. John Leslie Russell, an eminent member of the bar of that State. She was a woman of much personal beauty, highly educated, and with great literary and artistic tastes and culture.

In his new relations Mr. Pratt again resumed the study of the law with such earnestness and vigor, that in the spring of 1856 he was admitted to the bar in Chicago, Illinois, to which point he had removed. In the latter part of 1857 he transferred his residence to Milwaukee, Wisconsin, and resolutely set himself to work to acquire a practice and achieve eminence in his profession, in the midst of a bar renowned for the number of its brilliant, able and learned advocates and lawyers.

In 1859 he formed a partnership with Hon. John W. Cary, under the name of Cary & Pratt, which for many years was one of the leading law firms of the busy and growing Northwest. In the spring of 1869, the failing health of his wife compelled him to seek a milder climate, and after careful examination, and apparently, with an almost prescient knowledge of its coming greatness, he selected Kansas City as his home. His family then consisted of his wife and six children, namely: Alice M., Elizabeth C., Adaline R., Leslie R., Wallace, and Charles E.

In Kansas City the knowledge and experience he had acquired in his practice at Milwaukee enabled him soon to acquire a large and lucrative business. As the town grew, business expanded, and the practice settling into grooves, the demand for his services increased accordingly, and he was thus enabled to select his special line in his profession. Thus, in a comparatively brief space of time, his growing and important practice was chiefly for railroads, other corporations and large business enterprises, all of which have so considerably aided in the development and greatness of Kansas City.

His is a master mind. He is quick, ready, accurate. His legal education is so well grounded that he decides a new question upon presentation, almost without a moment's thought, and subsequent investigation usually only serves to confirm his first judgment. He understands perfectly the art of organizing his business, and however large it may be, and however many persons may be engaged in it, he so impresses such persons with his strong personality that it is done on the lines he indicates, and almost as if he had done it himself. In a long line of railroad, running through six States, with a great number of law suits in each, he knows the particulars of each suit, both of law and of fact — could try each case himself, if need were, and in any event, will have it tried according to his instructions, either general or special. Thus equipped, it is not strange that his success has been almost phenomenal.

For more than a quarter of a century he has been General Counsel of the Kansas City, Fort Scott & Memphis system of railroads, the lines of which start from Kansas City and terminate at Birmingham, Alabama. He has never dabbled in politics, having no taste or inclination therefor.

Mr. and Mrs. Pratt were among the original members and organizers of Grace Episcopal Church, of Kansas City, and Mr. Pratt is still a communicant and officer thereof, as well as Chancellor of the Diocese of West Missouri.

In 1874 the great misfortune of his life overtook him in the death of his wife, leaving a family of six children, scarcely past infancy, on his hands. He gathered them under his tender care, in the desolate home, and thenceforth was both father and mother to them. All lived to manhood and womanhood, and all but one still live to repay his tender and watchful care.

In 1875 he became associated in the general practice with Judge Jefferson Brumback and Watson J. Ferry, under the firm name of Pratt, Brumback & Ferry, which firm continued until 1887, when Judge Brumback retired, and Hon. George W. McCrary (ex-Secretary of War and ex-United States Circuit Judge) took his place, the firm name then being Pratt, McCrary & Ferry. In 1887 Mr. Frank Hagerman became a member of the firm and the firm so continued until Judge McCrary's death, about 1890. Thereafter the remaining parties continued together under the name of Pratt, Ferry & Hagerman, until September 1, 1896, when the firm was dissolved. At that time Mr. Pratt associated with himself Mr. I. P. Dana and Mr. James Black (both of whom had been in his office for many years) under the firm name of Pratt, Dana & Black, which firm is still in existence, and is one of the leading law firms of the city.

Although the demands upon his time as chief adviser of so many large corporations and industrial enterprises prevent his frequent appearance in the courts in the trial of causes, yet when he does so appear, his readiness, alertness and energy are no less conspicuous than in the time when he yet had his professional spurs so win, and it can also be relied on that his directing hand will be present in the trial, even in case of his personal absence therefrom.

In 1884 Mr. Pratt had the deserved good fortune to marry Mrs. Caroline Dudley, of Buffalo, New York, a lady of rare charms of person and mind and manners, and their delightful home, refined by mutual affection, and the admiration of their hosts of friends, is one of the most charming in the West.

STONEWALL PRITCHETT,

FAYETTE.

ALTHOUGH he has scarce passed his thirtieth year, there is no lawyer in the State who has attained a higher position in the same length of time, or whose splendid endowments more certainly foreshadow a brilliant future career than Stonewall Pritchett, of Fayette. He was born in Warren County, Missouri, April 4, 1867, and is a son of a man of the highest intellectual attainments and culture. His father, Joseph Henry Pritchett, D. D., is a native of Virginia who came to Missouri early in the 'fifties. He was educated for the ministry and is now a member of the Missouri Conference, Methodist Episcopal Church, South, and is considered one of the most eloquent preachers of that church in Northern Missouri. But he is even better known as an educator, and for the splendid work he has done in advancing the cause of higher education in this State, than as a minister, having been President of Howard Payne College, Fayette, for five years; was President of Pritchett College, Glasgow, Missouri, for three years; held the

same relation to Paynesville College, Pike County, Missouri, for two years, and was Professor of Mental and Moral Philosophy, Logic and Evidences of Christianity for two years at Central College, Fayette, Missouri, succeeding Bishop Hendricks in that position when that divine was elected Bishop. He now occupies the same chair in Northwestern Missouri College at Albany, Missouri. Professor Pritchett married Mary Jane Johnston, a member of an old and respected Tennessee family. To her training her son owes much of the strength of character and noble purpose from which his career has started so auspiciously. The mother is yet living. The Pritchetts are of Scotch-English derivation and settled in Virginia while that State was still a colony.

Stonewall Pritchett received his education in the common schools of Missouri, at Pritchett College, Glasgow, Missouri, and at Central College, Fayette, Missouri. He then journeyed South and entered Vanderbilt University at Nashville, Tennessee, in whose law department he was fitted for the bar. On graduation he returned to Fayette, where his parents then resided, and was there admitted to the bar in 1891, by Judge John A. Hockaday.

Some idea of ability and what he has accomplished may be gained from the statement that within the short time he has been a licensed attorney, he has appeared as the defender of seventeen culprits charged with capital crimes, not one of whom was convicted of the offense of which he was indicted. On the other hand, he has appeared as the prosecutor in one murder case and succeeded in having the man sentenced to be hanged. He practiced alone until January, 1897, since which date he has been a partner of Sam C. Major, under the firm style of Major & Pritchett.

Shortly after beginning his professional career, Mr. Pritchett was elected City Attorney of Fayette, serving two years, from 1893 to 1895. He has already represented the county of Howard in the Lower House of the State Legislature, and his record there gives foundation of fact for the belief that he is entering on a brilliant public career. He was elected Representative in 1894, and served in both the regular and the special session of the Thirty-eighth General Assembly, and impressed his colleagues as a young man of fine ability and more than ordinary eloquence. He is genial and affable among his friends and courteous to everybody, and is endowed with a manner that readily wins confidence and friendship.

It is worthy of mention that Mr. Pritchett is one of the best known Knights of Pythias in his section of Missouri. He has five times been Chancellor Commander, the highest office in Fayette Lodge, and has been its representative to the Grand Lodge four times. He is a Democrat in politics and very active.

Mr. Pritchett was married June 21, 1893, at Fayette, to Miss Margaret Sexton Waters, daughter of Capt. James Waters, a veteran of both the Mexican and Civil wars. In the last named struggle he was a Captain in the Confederate Army. Mr. and Mrs. Pritchett have two children, Josephine, aged three years, and James Waters, aged two years.

ROBERT TARLTON RAILEY,

HARRISONVILLE.

AMONG the ablest lawyers in the western part of Missouri is Robert Tarlton Railey, of Harrisonville, the seat of justice of Cass County. He enjoys a most enviable reputation for learning and ability and ranks with the eminent lawyers of the State.

He comes of one of the prominent Southern families, his father, Tarlton Railey, being in ante-bellum days one of Louisiana's wealthiest planters. Born in Woodford County, Kentucky, September 1, 1810, he was married at Lawrenceburg, Kentucky, August 15, 1839, to Mary W. Blackwell, the mother of the subject of this sketch, who was of a Kentuckian family that was no less prominent and wealthy than that of her husband. They moved to Louisiana, where at Milliken's Bend, their son Robert was born, January 19, 1850. Tarlton Railey was the owner of a magnificent plantation on the Mississippi River, and was therefore, as a matter of course, the master of many slaves. In the year of their son's birth, 1850, the family moved back to Kentucky, settling at Versailles, where it continued to reside until the removal to Cass County, Missouri, in March, 1855. The mother of Mr. Railey is still living; the father died at Harrisonville in 1879.

After due preparation in the schools of Harrisonville, the subject of this biography entered the University of Missouri at Columbia. During the latter part of his senior year, he returned to his home at Harrisonville, where in 1870 he engaged in the mercantile business. He found the vocation unsuited to his tastes and inclinations, and remained therein but two years, leaving it to take up the study of law. To that end he entered the office of Boggess & Sloan, at Harrisonville, and was admitted to practice there in September, 1873, by the late Hon. Foster P. Wright, then Judge of that Circuit.

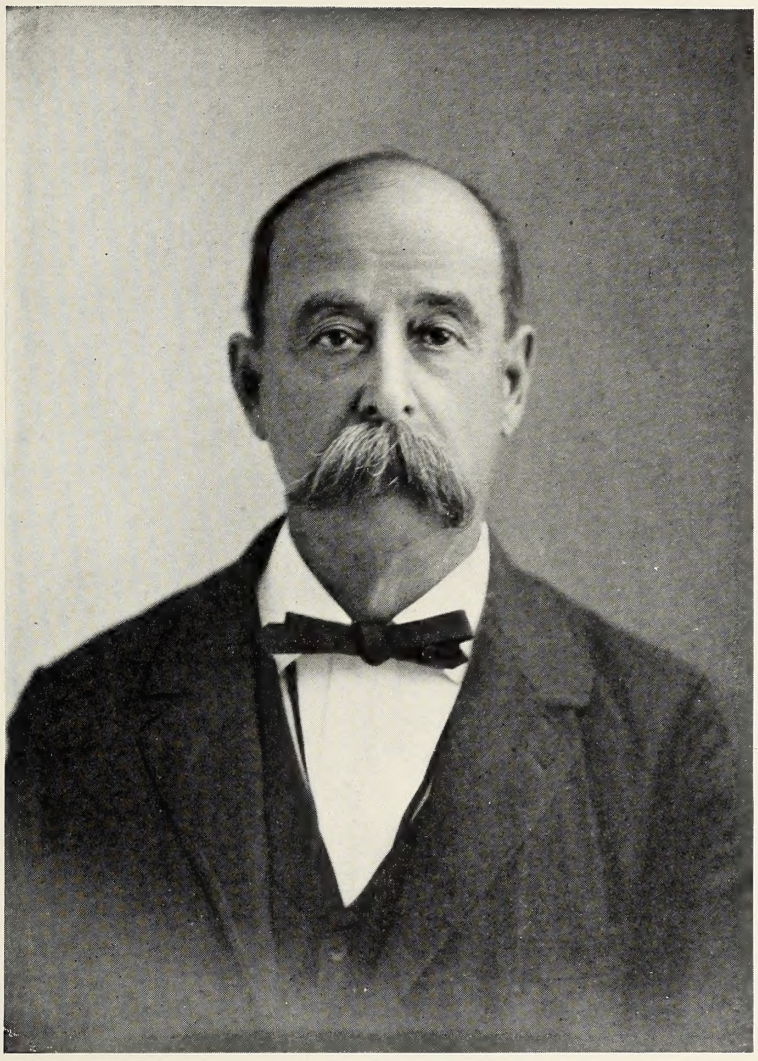
Mr. Railey has pursued his vocation continuously since his admission to the bar, and has resided in Harrisonville uninterruptedly since 1865. He is an enthusiastic devotee of the law, and eloquent as a pleader, he invests his speeches with a fire and earnestness that impress jury and audience. His ability to plainly state a case, his power of discrimination as to controlling features, and his forceful method of presenting an argument, are unexcelled. He has a prepossessing appearance and scholarly bearing. His success at the bar has been phenomenal. He has an extensive practice, many of his clients being railroads and other corporations, and few cases of importance arise in his section of the State in which he is not employed. Although he is warmly interested in politics and is thoroughly posted on men and the issues of the time, he has neither held office nor been a candidate for any place. However, the Democracy has frequently honored him in its councils, and he was a delegate to the Democratic National Convention of 1884; and again in 1888, when the Convention met at St. Louis. At both sessions he worked and voted for Grover Cleveland, and is still an enthusiastic admirer of the ex-President and is an uncompromising advocate of the gold standard.

Mr. Railey married Martha S. Beattie, daughter of Dr. Thomas Beattie, of Harrisonville, September 3, 1874. The couple have but one child, a son, born in 1885. He is a bright and promising boy, and is now attending school at Harrisonville.

DAVID REA,

SAVANNAH.

HON. DAVID REA, of Savannah, is a native of Indiana, having been born in Ripley County, January 19, 1831. His father, Jonathan Rea, was a native of Mecklenburg County, North Carolina. The members of the family were pioneers of that, one of the oldest and most historic counties in the United States. The Reas being of Scotch origin, were perhaps of those numerous Highlanders who sought liberty in that land prior to



David Rea

1746, or of the many more who were transported there between 1746 and 1776 for being implicated in the rebellion of Prince Charles. Early the Carolinas were the favored spot that attracted rebels, resisters of tyranny and lovers of liberty from the surrounding colonies and all other parts of the earth. This process of selection peopled that section with the bravest, noblest and most independent community of lovers of religious and civil liberty ever gathered together. Britain nominally governed the colony, which was afterward divided into two States, but the people submitted to no infringement of their natural rights. Tyrannical governors were deposed, church rates refused, and extortionate crown officers beaten. As early as 1771 many of the western counties rose against taxation, and brave Mecklenburg, though but a sparsely settled county, had the courage to defy a kingdom. In May, 1775, the people of that county declared themselves free of the authority of Great Britain and thus set the noble example which was followed by all the colonies more than a year later. It is not singular then that the Reas, who were old residents even then among these people of indomitable spirit, should have played a conspicuous part in the accomplishment of this result, known as the "Mecklenburg Declaration," or that they took up arms to a man afterward to fight the tyrant. Jonathan Rea, the father of our subject, on reaching manhood moved to Indiana. He was a farmer all his life, and married Lurana Breeden, who became the mother of our subject. The Breedens, like the Reas, are of Scotch origin. They settled in Kentucky and were a family of good connection and standing.

When David Rea was less than twelve years old, his parents removed from Indiana to Missouri, settling in Andrew County. This was in 1842. There the lad attended the common school and assisted with the farm work, later entering the high school where he completed his education. In the next few years after leaving school, his time was divided between work on the farm, teaching various district schools and studying law at home, his ambition having long been centered on the bar as his life work. Young men who were situated as he was seldom waste any time, for it was under the driving knowledge that what was obtained must be earned with labor, and not purchased by money earned by some one else—circumstances on which rests the foundation of the careers of ninety-five per cent. of the successful men of the present day. The young farmer-school teacher had completed his studies by 1863, and in that year was admitted to practice by Judge Silas Woodson, afterwards Governor of the State, and in Mr. Rea's opinion, one of the greatest men ever produced by Northwest Missouri. When the young aspirant secured his license to practice, he at once moved to Savannah, the county seat of Andrew County, opened an office, and has there resided ever since. His professional life thus covers a period of over a third of a century and is one of the longest to be found among the attorneys of Northwest Missouri.

During his long career, Mr. Rea has grown constantly in the esteem and affection of the people of Northwest Missouri. His life has been rigidly upright and honorable, he has manifested always that kindliness and good will to his fellow-man from which they have learned that he is richly dowered with all those elements of honesty, fidelity, humanity and charity which can only be the attributes of a noble character.

He has never been a seeker of public preferments, but in 1874 was the logical candidate of his party for Congress, and was nominated without ever having given his consent to the action of his friends. During the war he was an adherent of the Union, but so conservative was his course then and so wise and liberal afterward in the dark days of "reconstruction," that the ordinary "bloody shirt" orator could not affect his chances in the

least, and he was elected, being the first Democrat returned from Northwest Missouri after the war. When the battle cry of "reform" was heard after the Credit Mobilier exposures, and the "Salary Grab," his constituents naturally turned to him to represent them again. "Honest Dave" was the agnomen that followed him all over the district in this campaign of 1876. Gen. B. F. Loan, who had previously served three terms in Congress, and who was the Republican candidate and his opponent, charged that "the Democrats sought to escape deserved criticism by seeking out the only honest man in their party, nicknaming him 'Honest Dave,' and running him for Congress." In 1878, however, when he ran the third time, he was defeated through the fusion of the Republicans and the Greenbackers, which proved too strong for the Democracy and which elected Nicholas Ford. Mr. Rea has been a Democrat all his life. In Congress he was a representative whose ability reflected honor on his State. In this capacity he was a strong friend of silver, and indeed voted for the bill of 1878, which is the parent of every silver dollar now in circulation. He held this attitude until the campaign of 1896, when he became convinced that the ratio of sixteen to one was unwise, and that its adoption would be detrimental to the country, and accordingly voted for Palmer and Buckner.

As Mr. Rea has been for a great many years a member of the Andrew County School Board, he has been able to make his interest in education take practical form. It was largely through his efforts and influence that numerous splendid school houses now dot the face of Andrew County. He is deeply attached to the county where he has lived more than half a century, to its people and soil, and still owns the farm in Andrew County which his father preempted in 1843.

The crossing of the paths of Mr. Rea and John P. Altgeld, lately Governor of Illinois, doubtless left its impress on the characters of both. When the present leader of the Democracy was an obscure and struggling young man, Mr. Rea, who has laid up treasures in heaven as the helpful friend of struggling young men, noted in him an ambition and potential ability that he believed were of no common degree. He became the lad's friend, encouraged him and finally became his preceptor, for it was in Mr. Rea's office at Savannah that Altgeld studied law. The former had the highest opinion of the latter, and recognized in him the talent which has since made him a national character. Mr. Rea says Altgeld is one of the country's ablest lawyers and most profound thinkers.

The following estimate of Mr. Rea is given at the request of the Editor by Isaac R. Williams, a life-long and intimate friend, who began the study of law twenty-five years ago in Mr. Rea's office, to use his own words, "without money and without friends, but to discover later that by associating with such a man as David Rea, that much money was not needed and that friends were soon found." Mr. Williams, referring to that time, says:

"I have been intimately associated with him ever since and think I know the points which mark him as a noble man. His own experience and struggle in early life inuring him to hard labor, gives him a deep-seated sympathy for the mass of toilers of our own and other lands; but his sterling convictions of right and justice, rugged honesty and conservative position repudiates every throught of relief through or by means that do not conform to such principles. As a lawyer, he added to his deep fund of technical knowledge a broad comprehension of general principles of law and government, as well as a recognition of the fact that law is a growth continually adjusting its principles to new conditions in the development of the arts and sciences and is not bound down by dry, musty precedents of obsolete and past ages. Never having served in a judicial capacity, he has still always been

recognized by the bar as possessing all the qualifications of a first-class trial Judge and has frequently been selected as a special Judge by agreement, and his decisions have seldom been appealed from and never reversed in the Appellate Courts. A strong, logical mind, a kind, affectionate disposition, especially to young lawyers, and no less so to those who earn their bread by manual labor in the humblest walks of life, and a rugged honesty, coupled with self-reliance and conservative disposition, are his chief distinctions."

Mr. Rea raised a family in which he takes a pardonable pride and satisfaction. He was married in June, 1852, to Nancy E. Beattie, daughter of J. C. Beattie, who settled in Missouri from Virginia. The couple have six children, all of whom are grown. The eldest, John B., followed his father's profession, and is at this time the leading lawyer and a large land owner of Mankato, Kansas. He is also a prominent figure in the politics of the State, is a Democratic leader, and was a delegate to the Democratic National Convention at Chicago in 1896. Joseph L. is a thrifty farmer and stock dealer, tilling the soil near the town in Andrew County named Rea, after his family. Robert W. is a physician and surgeon of ability, and is located at Plattsburg, Missouri, and has a fine practice. Charles C. is in business at Chicago, Illinois. Alice J. is the wife of Manor Fry, a merchant of Plattsburg, Missouri, while Ida still lives with her parents. All the children are married except Charles and Ida. Mr. Rea has seven grandchildren, all of whom bear the name Rea, and in whom he takes great pride.

MORRIS ADELBERT REED,

SAINT JOSEPH.

ONE of the cultured and refined gentlemen of St. Joseph, and also one of the city's leading attorneys, is Morris Adelbert Reed, who is a native of Watertown, New York. He is the son of Lewis Reed and Angeline Reed, whose family name was Spinning.

After the preparatory courses, his first educational experience was at Jefferson County Institute, at Watertown, New York. From the institute he advanced to Belleville Academy, Belleville, New York, from which he graduated in 1861, shortly after the breaking out of the Civil War.

To the youth the war presented a perspective of enterprise, adventure and military glory, but the moving cause of his subsequent act sprang from unselfish patriotism. He virtually stepped from the school room to the battle-field, as in September, 1862, he enlisted in Company A, Tenth New York Heavy Artillery, and was given a commission as Second Lieutenant. His regiment was at once ordered to the front and assigned to duty in the defense of Washington. On reaching the field of action the young soldier was at once appointed Aide-de-camp and acting Assistant Inspector-General on the staff of the Division Commander. He discharged the duties of these offices until the regiment was sent to engage in active hostilities as a part of General Sheridan's command in his last Shenandoah campaign. He was next sent with his command to join General Grant in the Wilderness campaign, remaining with the latter until the investment of Petersburg. During his term of service in the field, he was also on staff duty as Aide-de-camp, and was in 1863 promoted to a First Lieutenancy. From the term of his enlistment he served to the end of

the war, and was nearly the whole of the time in the midst of the battle ground of the Rebellion.

Upon the cessation of hostilities he returned to his home at Watertown, New York, and soon thereafter commenced preparations to adopt the law as a profession. He began his reading in the office of Brown & Beach (ex-Governor Beach), and in 1868 was admitted to the bar. Then he came West, locating at St. Joseph, where by ability and application he has achieved a most enviable success as a counselor and an advocate, and has earned also the highest standing as a citizen and gentleman.

He has held several places of honor and trust, most of them judicial in character, since he has lived in St. Joseph. In 1873 he was appointed Register in Bankruptcy and held that office until the repeal of the Bankrupt law. He was nominated by the Republican party as its candidate for Congress in the Fourth District in 1882, but as the district was heavily Democratic, his opponent, the Hon. James M. Burnes, was elected. He served two years as City Counselor of St. Joseph, beginning in 1889, and was urged to continue in the office, but declined re-appointment. In January, 1892, he was appointed General Attorney of the St. Joseph & Grand Island Railroad Company, and its operated lines, and yet holds that responsible position.

Mr. Reed was married October 15, 1872, to Miss Margie R. Kimball, of Bath, Maine. They have two children and their home life is an ideal one.

ELIJAH ROBINSON,

KANSAS CITY.

JUDGE ELIJAH ROBINSON is one of the conspicuous members of her State bar whom Missouri may claim as her own, as he was born in Lincoln County, February, 1850. He is the son of Owen C. and Elizabeth (Salmons) Robinson, the family on his father's side having been residents of Virginia for many years and that of his mother coming from the best Kentucky stock, the Salmonses having resided in that State for many generations.

Elijah Robinson was educated in the common schools, completing his education at Watson Seminary, in Pike County. He studied law in the office of Archibald V. McKee, at Troy, the county seat of Lincoln County, and was only twenty years of age when he had completed his legal studies and was admitted to the bar in 1870. He located at Bowling Green, in the neighboring county of Pike, and embarked in practice. In the year following, 1871, he was appointed Prosecuting Attorney, and so ably did he discharge the duties of the office, and so fully did he enlist public confidence, that in 1872 he was elected to the office to which he had been appointed and in 1874 was re-elected.

He began to be considered a rising and brilliant man, even in a county that has produced so many able men and lawyers of distinction. In 1880 he was elected Judge of the Third Judicial Circuit, comprised of the great counties of Pike, Lincoln, Audrain and Montgomery, and took his seat on the woolsack at the age of thirty-one, being the youngest man who ever occupied that position and one of the youngest Judges of the State. In his new office he fully rose to the expectations of the public and made one of the best Judges who ever presided over the circuit. At the end of his six years' term, or in 1886, he removed to Louisiana, the principal town of Pike County, and there practiced until 1889. In the latter year he removed to Kansas City and has since resided and practiced there.



M. A. Reed

Legal Publishing Co. St. Louis.

As his reputation as a gifted lawyer had preceded him, he was not long in building up an excellent practice.

Besides having made a reputation as a practitioner and expounder of the law, Judge Robinson has always been noted as one of the public spirited and enterprising men of the commonwealth. He has been identified with a great many public enterprises having for their object the general and commercial progress of the people, not only while he was a citizen of Pike, but since he went to Kansas City, the city of keen-witted, enterprising men. He was one of the prime movers in the construction of a railroad through Pike County and was at one time a director of the Hannibal Railroad. He is an influential Mason, is a Knight of Pythias, and in politics is a Democrat, and has rendered his party efficient service in this State.

Judge Robinson was married in October, 1876, to Miss Lelia Harris, of Pike County, Missouri. Mrs. Robinson is a daughter of the Hon. William A. Harris, who at one time represented one of the districts of Virginia in Congress and at another time was Minister of the United States to the Argentine Republic. Judge and Mrs. Robinson have one child, a boy.

As an advocate and barrister Judge Robinson is noted for his eloquence and thorough mastery of all the points of the case; as a counselor his attitude is cautious and deliberative, tracing every fact in the case to its beginning and considering it in its relations to every other fact that is known or may be discovered. His arguments are clear, logical and pointed and his handling of a case convinces client and court that he has exhausted its every possibility. He is a stickler for accuracy in all things and is a student of the science of the profession he follows. While he sat upon the bench, the brevity, clearness and condensation of his charges often surprised the bar. In formulating a charge that is clear, brief and yet covers the whole ground he is an expert. His decisions are likewise marvels of sound reasoning and good law. He is a man of great reserve force, quiet, modest and a deep thinker rather than a voluble talker. His moral and intellectual honesty, his strong, analytical mind, his capacity for reaching conclusions quickly, his power of concise and clear statement, coupled with his great industry, have made him one of the best "all-around" lawyers in the State.

WALTOUR M. ROBINSON,

WEBB CITY.

WALTOUR M. ROBINSON, Judge of the Supreme Court of Missouri, achieved that distinction at the general election in 1894. The honor was rather a surprise to him, as he is a Republican, and as is well known, this State is reliably Democratic. At the time he donned the ermine, his associates on the bench were Judges Gantt, Burgess, Sherwood, Barclay,* Macfarlane and Bruce.

Judge Robinson is a native Missourian, having been born near Paris, in Monroe County, November 27, 1851, and therefore has yet to see his fiftieth year. He was educated in the public schools and at William Jewell College, Liberty, Missouri. He received his scholastic legal training at the Union College of Law, which is a part of Chicago University.

*On Februry 1, 1898, Judge Shepard Barclay resigned, and William M. Williams, of Boonville, was appointed by Governor Stephens to fill his unexpired term. This action was taken on the part of Judge Barclay after his sketch, on page 144 of this volume, was printed.

In 1877, the young law graduate located at Webb City, Jasper County, then by no means the big mining center it is to-day. Soon the young man was elected City Attorney of Webb City, in which office he served four years. He was later elected Prosecuting Attorney, re-elected and served four years in that capacity. In 1892 he was elected, on the Republican ticket, Judge of the Twenty-fifth Judicial Circuit and was an incumbent of that office at the time of his nomination and election to the Supreme Judgeship.

Judge Robinson's foresight and sagacity were demonstrated by his early belief in Webb City. "Justifying his faith by his works," he early invested in the mining future of the town, and it is now said that the development of his lead mines is bringing him big returns on his confidence in that part of Jasper County. At the date this is written, there are rumors to the effect that the Judge is disposed to lay aside the judicial ermine, if he can be assured that his resignation would not leave his party without representation on that bench, or if he is permitted to stipulate that one of his own party shall succeed him. It is said that he desires to resume his law practice and thus be enabled to attend to his extensive mining interests, but whether the rumor points to truth or is only a canard, is without verification.

The Judge is married and has an interesting family.

JOSEPH H. RODES,

SEDALIA.

JOSEPH H. RODES is a native of Ralls County, this State, and was born March 24, 1854. He is the genial, kindly, liberal minded and intellectually gifted man—of that sort produced by a lifetime of Missouri environment and a Virginian, Kentuckian or Tennesseean ancestry. In this case the combination is Virginian and Tennesseean, the agnate branch of his ancestry coming from the State first named and the cognate from the last named. The Rodeses were very prominent in the early history of Virginia, and constitute a family that has exercised a marked influence in the affairs of that commonwealth from Colonial days until the present time. The great great grandfather of our subject, while Virginia was yet a dependency of Great Britain, received from the English crown the grant of a very large tract of land in Albemarle County. It is a noted plantation and has been successively transmitted from father to son, and is at this day in the hands of the descendants of the Rodes family.

Joseph H. Rodes received an academic training at Van Rensselaer Academy, of Ralls County, Missouri. From there he went to Central College, Fayette, Missouri, whence he graduated in 1876, with the degree of Ph. D. As so many of the lawyers who are now conspicuous members of the State bar have done, he began life as a school teacher, continuing at that vocation three years before he began the study of law at Paris, Missouri. He was able to secure as the supervisor of his readings, that able jurist, Judge Theodore Brace, now one of the Judges of the State's Supreme Tribunal. His legal studies were continued in the legal department of the State University at Columbia, where he graduated with credit, receiving his degree of LL. B. as a member of the class of 1881.

After obtaining his license he at once located at Paris, where he had begun his studies, and in the fall following the spring of his graduation, he was elected Prosecuting Attorney of Monroe County. So fully did he meet the people's good opinion respecting him, and

with such zeal did he serve them in his official capacity, that he was given a second term without question. On the expiration of his second term he resumed private practice in Monroe and adjoining counties, practicing alone until 1885, when he formed a partnership with A. H. Waller, under the style of Waller & Rodes, with offices both at Paris and Moberly. It was about this period that his practice began to run largely to personal injury cases, the specialty in which he has become so expert.

In 1891 Mr. Rodes was married to Miss Leona Williams, of Mexico, Missouri, a gentle and accomplished lady of most excellent musical attainments, the oldest daughter of J. V. Williams, County Clerk of Audrain County. Shortly thereafter the partnership subsisting between Waller & Rodes was dissolved, and in 1892, Mr. Rodes moved to Sedalia. He soon became an influential factor in the social, political and professional life of the Queen City of the Prairie, and the volume of his practice has waxed yearly. His reputation had preceded him there, and although his practice is general, his extended experience and knowledge of the laws and precedents bearing on cases of personal damage and injury, give him a great advantage in that specialty.

Mr. Rodes is generally known as a devoted fraternity member and as an adept in Masonry and Odd Fellowship. He joined the lodge of Odd Fellows at Paris in 1882, and still maintains his membership there. He is also connected with the Masonic Blue Lodge there, which he joined in 1885. Soon thereafter he took chapter degrees, and within the year following, became a Knight Templar, and is now a member of Parsifal Commandery, No. 44, at Paris, Missouri. In 1887 he took Shrine degrees and is now a member of Ararat Temple, Kansas City.

Mr. Rodes is ambitious, and if a high purpose, unswerving determination and application are the elements of success, it may be predicted of him that his reputation and prestige will grow in volume yearly. He has that devotion to his profession without which no man ever achieved any but mediocre success in any vocation. He has a gift of eloquence, too, and a personality that wins liking from the first.

WILL ANDERSON ROTHWELL,

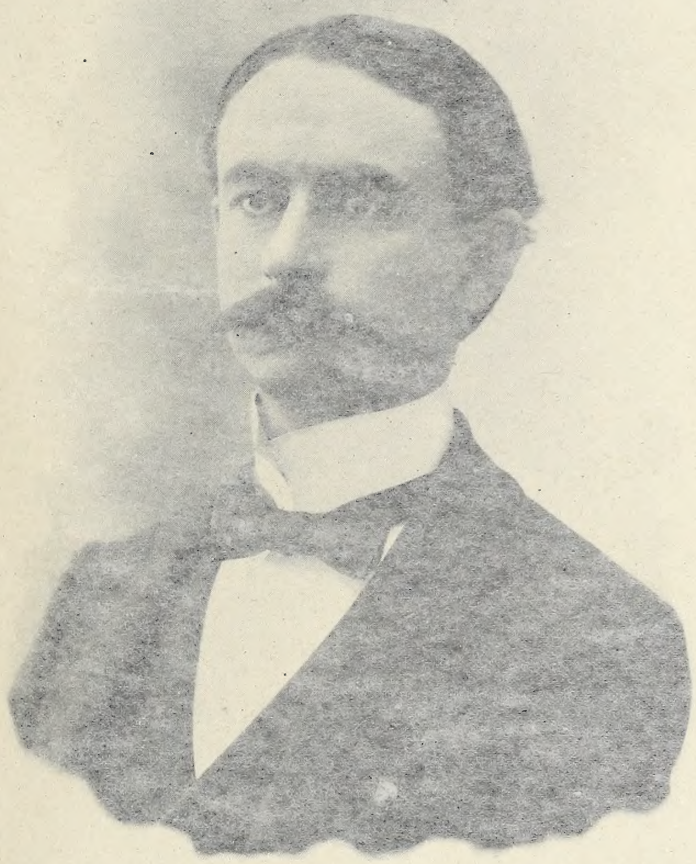
MOBERLY.

WILL ANDERSON ROTHWELL, of Moberly, comes of a fine family and one which, coming through Virginia to Kentucky and from there to Missouri, has played a leading part in the social, political, military and professional affairs of those States. The earliest Virginia paternal ancestor of the Rothwell family was Claiborne Rothwell, who was of English derivation and a soldier in the Revolution. His home was in Albemarle County, Virginia, near Monticello, the home of the great Jefferson, and there he lived and died. Thomas Rothwell, son of the preceding, was born in Albemarle County, Virginia, in 1766, and married Mary Ann Fitch, a native of the same county, who was born in 1777. Thomas Rothwell moved to Garrard County, Kentucky, in 1821, where he died in 1835. Fountain Rothwell, eldest son of the preceding and the grandfather of this subject, was born in Albemarle County, Virginia, April 27, 1799, and in 1817, when a boy of eighteen, went to Florida as a soldier against the Seminoles under the noted Indian Chief, Osceola. Afterward he settled in Madison County, Kentucky, and thence moved, in 1820, to Garrard County. There he was married, February 7, 1822, to Jane Roberts, who was born in 1803.

Her father, Nehman Roberts, was a soldier of the Revolution and lost an eye by the explosion of a shell at the battle of Cowpens. He came from Dan River, North Carolina, and was of French extraction. Fountain Rothwell died in Garrard County, Kentucky, March 4, 1884. His second son, Dr. William Anderson Rothwell, father of Will Anderson, was born in Garrard County, Kentucky, March 14, 1832, and came to Callaway County, Missouri, in 1850, where he studied medicine under his uncle, Dr. John Rothwell, a brother of Fountain Rothwell. He afterwards returned to Kentucky and there graduated from the Louisville Medical College in 1854, after which he came to Missouri to practice his profession. Two years later, or on April 3, 1856, he was married to Sallie Creel Rothwell, of Callaway County, daughter of Dr. John Rothwell, of which union the subject of this biography is the only son. Dr. William A. Rothwell died at Moberly, Missouri, November 30, 1895.

Will A. Rothwell was born on a farm on Grand Prairie, in Callaway County, January 4, 1863, and was educated in the public schools of Huntsville and Moberly, his father having removed, in October, 1868, to the first named town and in September, 1872, from there to Moberly. He graduated as valedictorian of his class at the Moberly high school, June 4, 1880, and then became a teacher in that institution, acting in that capacity for a term of two years. In September, 1882, he went to Columbia and entered the Missouri State University, graduating from that institution in the academic class of 1885, his diploma bearing the legend, "First rank with distinction." He also took the junior law course in 1885, and altogether spent three years at the University. On his return to Moberly he entered the law office of Gideon F. Rothwell, completed his legal studies, and was admitted to the bar at Moberly in 1886, by Judge George H. Burckhartt. Gideon F. Rothwell was an uncle of the young legal aspirant, and one of the ablest lawyers of Central Missouri. He was a member of Congress from the Moberly District and a man of standing and influence in that part of the State. Other uncles of Will A. Rothwell in Missouri are William R. Rothwell, LL. D., of William Jewell College, Liberty, Missouri, and Dr. Thomas P. Rothwell, of Mexico, Missouri.

On being qualified, our subject opened an office in Moberly and has continued in practice there since, excepting when his professional work has been necessarily suspended by service of a public nature. He has held positions of official character almost since the beginning of his career as a lawyer, although they have been largely in direct line with his profession. In January, 1889, he was appointed Secretary of the Revision Commission, which was charged with the onerous task of revising the Missouri Statutes of 1889. In this capacity he proved one of the most valuable men connected with that work, from which he also reaped a professional advantage, as it made him familiar with the statutes and their history and descent as nothing else could have done. This task kept him at Jefferson City one year. In 1890 he was elected City Attorney of Moberly, serving as such from that date to 1894, inclusive. He is the author of the Missouri statutes governing cities of the third and fourth classes, enacted in 1893 and 1895, respectively, and wrote the entire text of those laws as they stand on the statute books of this State. In the fall of 1894 he was elected from Randolph County to the Legislature, and in 1896 was elected Prosecuting Attorney of that county. In 1895 he was appointed a member of the Board of Managers of the State Reform School for Boys, at Boonville, and served as such two years. He is a member of the Masonic fraternity, and of Tancred Commandery, Knights Tem-



Wm A Pelham



Wm A Pickwell

plar, and several other orders, and has held many of the positions of honor in the lodges to which he belongs.

Mr. Rothwell is undoubtedly one of the most popular young men in the State. To use a slang but expressive term, he is known as a "mixer," and thus his acquaintance extends to all parts of Missouri. He is a Democrat in politics. When he went up to Jefferson City as the representative of his county in the Assembly, notwithstanding his youth, his talent readily carried him to the front and he occupied, by common consent, the place of leader of the minority party in that session. His course since he was elected Prosecuting Attorney satisfies the people that their interests have been placed in competent hands. He has an extended use of language and a fine fund of general knowledge. He has already attained a high place as a public and professional man though his career has scarcely begun, and therefore his friends are certainly not over sanguine when they expect much of him hereafter and consider his future a bright one.

JOHN MOSES SALLEE,

BETHANY.

A LAWYER who has a reputation second to none in North Missouri, is Col. John Moses Sallee, of Bethany. As may be seen by a student of nomenclature, the name Sallee is of French origin, the family bearing it having settled in Virginia prior to the Revolution. From there our subject's grandfather marched away to join Washington's Army and gave his country the service that can only spring from true patriotism and a knowledge that the cause fought for is just. After the birth of Mr. Sallee's father, Joseph M., he moved to Kentucky, where Joseph grew to manhood, and where he met and married Matilda Dunkerson, the mother of our subject, came to Missouri in 1836, settling in what was then Livingston County, but after the sub-division became Mercer County. The Dunkersons were of German extraction, but made a settlement in America at a very early period, as Colonel Sallee's grandfather Dunkerson was a soldier in the War of 1812, serving both under Commodore Perry and General Jackson. The family first settled in Virginia, but in pioneer times moved to Kentucky.

In Mercer County, Missouri, the subject of this biography was born, October 22, 1849. His father being a farmer, he was reared near to nature and was there taught habits of thrift and industry. He worked on the farm and at times when the farm work did not demand his attention, was sent to the district school. His education was completed at the high school of Leon, just across the line in Iowa. When he was eighteen years old he began teaching school and continued teaching several years, to the end that he might carry out his long cherished ambition to fit himself for the bar. It was some time before this purpose was accomplished, but where there is a "will there is always a way," and finally, his studies, which he had prosecuted at home entirely, had covered the subjects, etc., prescribed by the regular law schools, and he passed his examination and was admitted to practice in March, 1884, at Bethany, by Judge Charles H. S. Goodman. He established himself in Bethany in the office he still occupies, and has met with a measure of success most gratifying to himself and friends. His first partner was Hon. Charles H. S. Goodman, the Judge who admitted him to practice. This association was continued up to

November, 1896, when Judge Goodman was succeeded by Charles W. Crossan, Colonel Sallee's son-in-law, and this business relationship is still maintained.

Colonel Sallee served as Prosecuting Attorney of Harrison County in 1888-89, and has been elected by the people City Attorney of Bethany. He has never aspired to strictly political office, being above all else a lawyer and one who takes an extraordinary pride in his profession. He is an adept in Masonry, is a Knight Templar, has filled all the chairs in the Blue Lodge, and is High Priest of Royal Arch Chapter, No. 80, of Bethany. He is in politics an enthuiastic Democrat, although his connection with that party has no taint of self-interest. He is at this time a member of the State Central Committee and for several years has attended about every State Convention of the party as a delegate. His practice as a lawyer is, of course, of a general nature, but in all criminal cases that come up in that section, he is likely to appear as counsel on one side or the other. All men of great head are apt to be large hearted and hence are more likely to show to better advantage as defenders in criminal cases than as prosecutors. During his legal career it has been the fortune of Colonel Sallee to appear for the defense in no less than six noted capital cases, and in every instance he secured an acquittal. He is an excellent trial lawyer and an eloquent pleader. His gift of language has been greatly developed by experience and he is an interesting speaker in whatever guise he comes before the public. The following estimate of his ability as a lawyer appeared in a Gentry County paper during the trial of the celebrated Phillips case at Bethany:

"The speech of Col. J. M. Sallee, of Bethany, in the Phillips murder case, won many compliments from the members of the bar and the large crowd of spectators in attendance and it was thought by many to be the best speech ever delivered in the court room. He made the closing argument for the defense, and for an hour and a half reviewed the evidence, analyzed the legal points, closing his arguments with an earnest and most eloquentap peal for his client that could not have failed to deeply impress the jury as well as the remainder of hearers. Colonel Sallee is comparatively a young man in the practice of his profession, but it is not to be wondered at that his ability and energy have already placed him in the front rank."

Colonel Sallee was married November 20, 1880, in Mercer County, Missouri, to Sarah C. Elmore, daughter of Rev. G. C. Elmore, a resident of that county and a well-known Baptist minister and pulpit orator of the northern part of the State. Two children have been born to them, a daughter and a son. The former, Ile Sallee, is now the wife of Charles W. Crossan, Mr. Sallee's law partner. The son, Clyde Elmore, is eleven years old.

JAMES M. SANDUSKY,

LIBERTY.

JUDGE JAMES M. SANDUSKY was born in Jessamine County, Kentucky, on the 7th day of January, 1849. His father was William Sandusky, a farmer in easy circumstances, who died while yet in the prime of life. His widow, the mother of the subject of this sketch, in years after, married Archibald Lincoln, a distant relative of the Martyr President. The mother's maiden name was Ann E. George, and through her mother she was related to the Rogerses, who constituted one of Kentucky's oldest and most powerful families. Both the father and grandfather of Judge Sandusky were natives of Jessamine County. The



John M Dalles

Judge's great grandfather and others of the name played a conspicuous part in pioneer times, and in the struggle of the Colonies to throw off the British yoke. The great grandfather was a native of Virginia, was of Polish extraction, was a soldier in the Continental Army under Washington and was present when Cornwallis surrendered at Yorktown. With Boone he is entitled to the credit of having planted the standard of civilization in that fertile empire lying west of Virginia, as he reached Kentucky only about three years after Boone. This credit must be shared with the other members of his family, who in a superlative degree were possessed of the unflinching courage and disregard of danger of the true pioneer. One of his brothers, James Sandusky, gave his name to that early outpost of civilization, Fort Sandusky. The family in the past has engaged in agricultural pursuits, and once owned magnificent tracts of that spot of earth kissed into such bountiful fertility by the sun — the blue grass region of Kentucky.

Judge Sandusky's father died when the son was about two years of age. Before he was seven, or in 1855, he was brought to Missouri and to Clay County, and at Liberty, its county seat, he has since resided. The course of education begun in the common schools he continued at William Jewell College, Liberty, Missouri, finishing its prescribed courses in 1866. There is always something born in a Kentuckian that binds him to his native State, which exercises an attraction which at some time in his life carries him back to her. It is not surprising then to learn that after he left William Jewell, the young student went to the Blue Grass State and entered Kentucky University, September, 1867. There he spent two years, graduating from several of the University's departments. On his return to his home in Liberty in the fall of 1869, he began the study of law under Maj. Samuel Hardwicke, an eminent practitioner of that time, and was admitted to practice April, 1871, by the Circuit Court of Clay County.

Judge Sandusky's first partnership was with Horatio F. Simrall, now a distinguished member of the Liberty bar, and who has since that day represented his district in the State Senate. This partnership was maintained up to the time that Judge Sandusky was elevated to the Circuit Bench, in 1886. Besides the office above referred to, Judge Sandusky has held a number of other official positions of responsibility and trust. The year following his admission to the bar he was elected City Attorney of Liberty, serving in that office during 1872, 1873 and 1874. In November, 1876, he was elected Prosecuting Attorney of Clay County, serving one term and refusing to be a candidate for re-election. In November, 1886, he was elected Judge of the Fifth Judicial Circuit, and also declined re-election to this office on the expiration of his term of six years.

Judge Sandusky has always been interested in the commercial and material welfare of his town, and since 1895 has been President of the Commercial Savings Bank of Liberty, which was organized in 1866. At the present time he is a member of the Board of Curators of the Orphan School of the Christian Church of Missouri, located at Fulton. Both Judge and Mrs. Sandusky are leading members of the church above named and have been prominent in its work at Liberty for more than twenty years. In fraternal circles the Judge has been identified with the Odd Fellows since 1871. He is also a Knight of Pythias.

Judge Sandusky is a gentleman of enlarged views, exact knowledge and high purpose, and must be considered as one who has caught the inspiration of a magnificent future and is using the highest human means to its accomplishment. His record on the bench was a pure, honorable and able one. Easy of approach, sympathetic in nature, independent in

judgment and action and generous in disposition, it is not strange that he enjoys in such marked degree the confidence and esteem of his fellow-citizens.

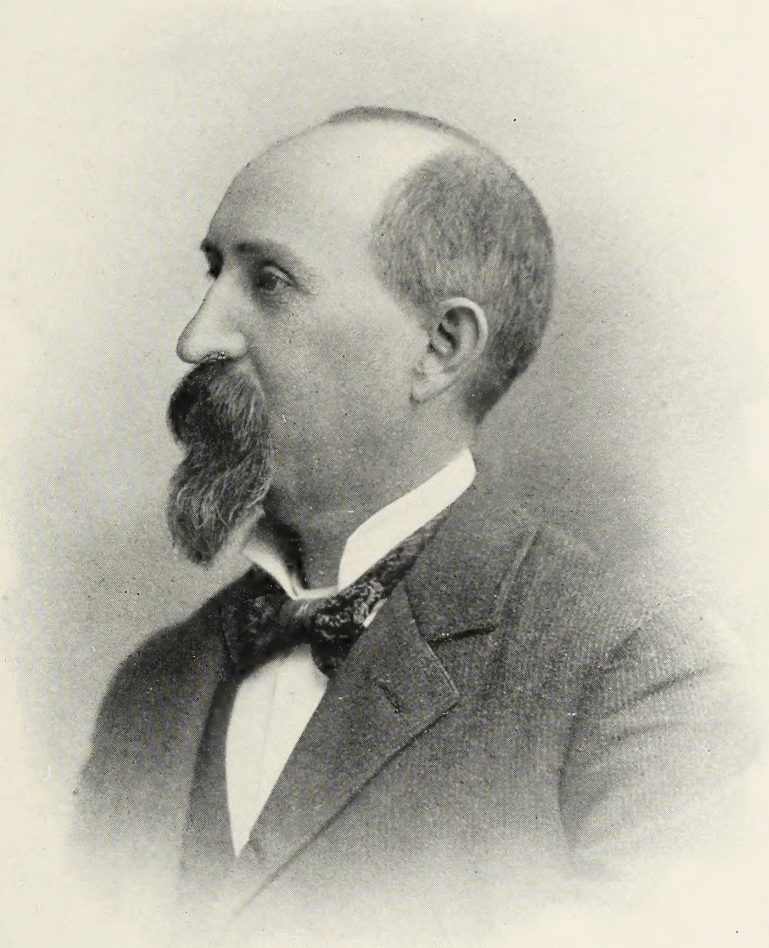
On the 16th day of December, 1874, Judge Sandusky was married to Susie C. Talbott, of Liberty, Missouri. She was born in Clay County, and is the daughter of John B. Talbott, of Scott County, Kentucky, and Madeline (Thomason) Talbott, of Franklin County, Kentucky. The couple have no children. They were married by Elder A. B. Jones, an esteemed friend of Judge Sandusky, who furnishes us the following estimate of his character and legal attainments:

"Nature never intended Judge Sandusky for a leader in any great movement or revolution, but when the revolution is accomplished and the people begin to look around for suitable men to maintain its established institutions, he would always be counted as standing in the front rank. He is a born jurist. In both intellectual and moral endowments the seal of destiny is placed upon him as a distinguished lawyer and eminent Judge. There is neither sham nor affectation in his whole make-up, but his manner is always plain, simple and direct. This modest and retiring nature always leaves his friends feeling that they do not get as much of Judge Sandusky as they want and are entitled to, while his amiability is so remarkable, that if he was ever angry, neither history nor tradition gives us any account of it. To those who are not well acquainted with him he appears distant and indifferent, and seems reluctant to approach men; yet when approached himself, he is always affable and pleasant.

"That peculiarity which, perhaps more than any other, except his mental capacity to grapple with the most profound and complicated legal questions, gives to the Judge's mind a high judicial cast, is his entire freedom from the sway of his own prejudices and passions. Indeed, he seems to have gained such complete mastery or control over his whole emotional nature that it is a question with his most intimate friends as to whether those forces which are so potent with men generally have any influence whatever over the views and convictions of Judge Sandusky. Another striking characteristic of the man is his great wisdom, in that he never does an impolitic thing. And this is to be said, too, in connection with the fact that he never impresses you as being what the world calls a 'policy man.' By every tendency of his nature he is averse to conflict, to social or political strife and animosities; and yet, when forced into such conditions, he can stand in the presence of a howling mob as self-possessed and undaunted as if he were surrounded by his warmest personal friends. A consciousness of great resources and a high purpose only can make such a man.

"In his church relations Judge Sandusky leads a quiet, unofficial life, never enthusiastic, but always reliable, always appreciative of the best things that fall from the pulpit, and responsive to what he believes to be the call of duty. His habits are those of the student. The whirls and eddies of society, nor the aimless, idle ways of the loafer, have no attractions for him. When he needs relaxation and rest from the duties of his law office, he finds it with his gun or fishing rod in the company of some congenial friend.

"No man was ever more keenly sensitive to the touches of friendship, nor more loyal to his friends. If intellectual endowments of a high order and integrity of moral purpose always dominant, with tact and skill to command and adjust his resources to the exigencies



James M. Sandusky.

of every occasion — if all these happily blended in a well rounded character and symmetrical life, place the insignia of high destiny on a man, then James M. Sandusky will never die in obscurity."

SAMUEL LOCKE SAWYER,

INDEPENDENCE.

THE Hon. Samuel Locke Sawyer lived the latter part of his life and died at Independence, but he belonged to, and his fame is a part of the history of the State. He was one of those honorable, brave, courteous, able lawyers of the old school and his name belongs in that coterie of gifted men with Glover, Broadhead, Drake, Gantt, Williard P. Hall, Doniphan, *et id genus omnes*, of which there are few who are not with him on the other side of the river. As Judge, Congressman, lawyer and citizen he has left an indelible impress on the affairs of his State and in his life given an example which is an inspiration to every young man ambitious to rise in the law.

Judge Sawyer was born at Mount Vernon, New Hampshire, November 26, 1813, and died at Independence, Missouri, March 28, 1890. He comes of a distinguished ancestry, his father and grandfather Sawyer having been noted lawyers of their time. His brother, A. W. Sawyer, was Judge of the Supreme Court of New Hampshire for a number of years. His maternal ancestor, Samuel Locke, whose full name he bears, was a minister and scholar of the very highest attainments. In 1770 he was made President of Harvard and for a number of years filled that high office with distinction. When he finally resigned, he returned to the pulpit at Shadburne, Massachusetts, where he had been stationed prior to becoming the chief officer of Harvard. The son of President Locke, was Samuel Locke, M. D., who married Hannah Cowden, of Fitchburg, Massachusetts. Their daughter, Hannah Locke, was the mother of Judge Sawyer.

The latter, after he had completed his education, graduating at Dartmouth College, went to Geneva, New York, where he remained but a year and then journeyed westward to Cleveland, Ohio. There he became engaged as a teacher of Latin, at the same time studying earnestly to qualify himself in the law, and these were his two chief occupations during the several years he remained there. In the beginning of life small events sometimes change the whole direction and vastly modify the future of the individual. The young Latin teacher at Cleveland received a letter from one who had been a friend of the family in New Hampshire, and this seemingly inconsequential event gave his name and fame to Missouri. This friend, who had known him in his boyhood, then considered him a boy of marked promise, and when he heard he was fitting himself for the law, became still more deeply interested in him. He had located at Lexington, Missouri, and from there communicated with his young friend in Cleveland, advising him to come to Missouri. The latter did so, reaching Lexington in 1839, and soon thereafter was taken into partnership by his friend and patron, Mr. French, whose name is no less illustrious in the judicial annals of Missouri than that of Sawyer. From this date the firm of French & Sawyer continued with uninterrupted success until 1854, and was then only dissolved by the death of Mr. French. Judge Sawyer's next move was to form a partnership with F. C. Sharp. In 1856 the firm of Sawyer & Sharp removed to St. Louis, where they entered into a partnership arrangement with Hon. James O. Broadhead, the new firm assuming the title of Sawyer, Sharp & Broadhead.

One of the elements which contributed to Judge Sawyer's success was the courage with which he addressed himself to hard work. His attention to the duties of his profession was unremitting, but the stress proved too great for him and a severe spell of typhoid fever compelled him to abate his efforts, and as a result the firm of Sawyer, Sharp & Broadhead was of short duration. Judge Sawyer withdrew and returned to Lexington, where after a period of rest, he changed his mode of life for the benefit of his health, and moved onto a farm situated six miles from Lexington. His great activity and industry are shown by the fact that he rode the six miles to and from his office every morning and evening, reaching his office before eight and leaving it after six, and carrying his saddle bags full of papers on which to work at home. This trip to his office was made through storm and sunshine daily for years.

Early in his Missouri practice he met one who was thenceforth to have an intimate association with and a profound effect upon the balance of his career. William Chrisman, of Independence (whose biography will be found on page 454 of this volume), was then rapidly rising into prominence as one of the brilliant lawyers of that section. Judge Sawyer often met him on the circuit and a friendship grew up between the two. In characteristics they bore a strong resemblance to each other. They were both devoted to their profession, both of the strictest integrity and the highest ability. In 1860 they formed a partnership, Judge Sawyer, though, remaining at Lexington until 1866, when he removed to Independence. At the time when both partners retired in 1869, there was no law firm in the State considered better balanced, abler or more successful. In the year last named both reached the conclusion that the work they had done and the success they had achieved merited retirement from active service. They therefore quit the law and organized the banking business of Chrisman, Sawyer & Co. With two such men at its head the bank sprang at once into popular favor. One who knew Messrs. Chrisman and Sawyer well says of them: "They were both men of fine personal appearance, and when I began practice in Jackson County in 1865, every case of importance was represented on one side or the other by Chrisman & Sawyer. They were always well dressed and the embodiment of courtesy and dignity. Jackson County has had many fine practitioners but none surpassed these two men. They were both thorough business men and one seemed to supplement the other;" and herein is perhaps found the reason of their success as bankers.

Prior to locating in Independence, Judge Sawyer had twice been elected Prosecuting Attorney of Lafayette County. He was a Whig, and although the Democratic majority in that county was great, his personal popularity was such that he easily overcame it. In 1861 he was a member of the "Convention to Consider the Relations of Missouri to the Federal Government," and although not in harmony with the government, his opposition to secession was vehement and able. In 1871 when the Legislature created the Twenty-fourth Judicial Circuit, with terms of court at both Kansas City and Independence, the bar almost unanimously insisted on calling Judge Sawyer from his retirement to occupy the bench. He yielded reluctantly and was appointed by Governor Brown, serving until 1876, when loss of health compelled his resignation.

Again in 1878 he was recalled from the retirement he so much loved, and very unwillingly became the candidate for Congress of the Republicans and that wing of the Democracy which protested against the candidacy of Col. John T. Crisp. Judge Sawyer was elected, and after serving one term with honor to himself and country, refused to be a candidate for re-election, and as the author from whom we have already quoted says, "he

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Sam.l L. Sawyer

Legal Publishing Co. St.Louis.

expressed regret that he had ever been a member of Congress. He had supposed that when men were honored with such a high and responsible trust, that they would bring to it the most conscientious effort, but the illusion was soon dispelled, which brought him disappointment and actual sorrow.'' The balance of his life was passed as a private citizen, honored and beloved by all who knew him.

No one is more competent to estimate the life and character of Judge Sawyer than Hon. J. V. C. Karnes, of Kansas City, himself one of the ablest lawyers of the State. Mr. Karnes knew him well and admired him greatly, and of him as lawyer, Judge, official and man, he says:

''He was an ideal Judge. He had the confidence of everybody. The word 'law' took on a new significance. His very presence on the bench was inspiring. No one, lawyer or layman, could go into his court room without feeling that he was verily in a temple of justice and that he must not approach its altars with profane hands. On the bench he knew nothing but the law. No one had his ear. He was equally attentive to the young and old alike. His uniform courtesy was most pronounced. He was a good listener and wanted every case fully presented. As a pleader he had few superiors, and he held the lawyers to strict rules of pleading. Jackson County has been honored with many able Judges, but in learning, courtesy, patience, conscientious investigation, I do not believe anyone would be claimed as the superior of Judge Sawyer.

''He was a man of very positive convictions, possessing fine physical and moral courage, but he was respectful and tolerant of the opinions of others, and he had few enemies. His life was a singularly pure one. He did not drink or swear and was never heard to use an obscene word, but there was no cant of Pharisaism about him.

''Let it be written of Judge Sawyer, that he was an accomplished lawyer, an able, fearless, upright Judge, but better than all he was a dutiful son, a kind husband, a loving father, a good neighbor, an active participant in all the high duties of citizenship.''

EDWARD LUCKY SCARRITT,

KANSAS CITY.

EDWARD LUCKY SCARRITT, Judge of the First Division of the Sixteenth Judicial Circuit of Missouri, was born in Jackson County in that State near Kansas City, August 30, 1853. His character gives an intimation of his ancestry, in which the chivalric traits of the natives of the Old Dominion are mingled with the sterner virtues of the New Englander. His grandparents, on his father's side, emigrated from New Hampshire and settled near Alton in Illinois. From that homestead the Rev. Nathan Scarritt, father of Judge Scarritt, came to Missouri and in 1848 located at the place now known as Kansas City, then known as Westport Landing, and entered upon the lowly but fruitful labors of a missionary among the neighboring Indian tribes. His life was devoted to the work of the ministry and of Christian education in his adopted State; and he left the influence of a lofty Christian example upon the city into whose young life and phenomenal development his life work was so intimately wrought. The maternal grandparents of Judge Scarritt emigrated from Virginia and settled within the present limits of Kansas City as early as 1840, the grandfather, Col. William M. Chick, subsequently becoming one of the original owners and proprietors of the Town of Kansas, now Kansas City.

Judge Scarritt received his early education in the ward and high schools of Kansas City and continued his studies at Pritchett Institute at Glasgow, Missouri. Choosing the law as his profession, he entered the Law School of Harvard University in 1872 and spent one year there. Returning to Kansas City in 1873, he entered the office of the Hon. Warwick Hough, subsequently a member of the Supreme Court of the State, and was admitted to the bar in that year. His attainments and reputation as a lawyer grew with his years, and in 1885 he was made the City Counselor of Kansas City. His administration of that office was marked by fidelity to the city's interests. In 1889 he was chosen one of the Board of Freeholders which drafted the existing charter of Kansas City, and was made the Secretary of that body. At the age of thirty-nine he was called from a successful professional career by his election to the judicial position which he now holds.

Born on Missouri soil, of parents identified with Kansas City years prior to its incorporation, educated in its common schools, Judge Scarritt has the satisfaction of having achieved his professional and judicial successes among the people of his native city. His legal ability, courage and great learning were rewarded in the fruitage of his professional labors and were recognized and commended in his election to the judiciary.

While his habits are those of a student, he is of a genial and social disposition. As a lawyer he was engaged in the most important litigation pending at the bar before which he practiced. Upon the bench he has displayed an intimate knowledge of human character and a capacity for large business affairs; a faculty of grasping quickly the determinative issues of intricate controversies and of analyzing and deciding them upon the simple principles of justice that underlie all complications. The confidence of litigants in his high integrity and purpose has lessened in a measure the distressing tasks of judicial labors and added to his popularity as a Judge; and his patience and learning have been rewarded with the esteem and affectionate regard of the learned bar with which he is in daily association.

JOHN ELVIS SCHOOLER,

GRANT CITY.

ONE of the most prominent of the lawyers of Worth County is John Elvis Schooler, who during the sixteen years of his career as a barrister has held an enviable position in that county.

He was born in Worth County, July 28, 1855. His father, Charles H. Schooler, enjoyed the distinction of being the second settler of Ringold County, Iowa. Naturally he was a farmer, but at that early day tilling the soil seldom bounded the farmer's occupations and ambitions, and thus he served as the first Sheriff of Ringold and Taylor Counties, being afterwards, for several terms, Judge of the County Court of Ringold County. He was an official distinguished by all the robust common sense of the judiciary of those simple days. His grandfather, a native of Kentucky, emigrated to Logan County, Ohio, in the first part of the century and Charles removed from there to Iowa. The Schoolers are an old Welsh family, and came to this country before the War of the Revolution, settling in Kentucky. Mehitabel Barber was the maiden name of John E. Schooler's mother, and she descended from an old English family that came to America in the old Colonial days. Miss Barber's father emigrated to Iowa, being one of the first to settle in that fertile region.

Mr. Schooler's education has been carefully attended to, he having conned his lessons in the public schools of Worth County, the Grant City high school, the Albany high school, and also in Red Oak, Iowa. After this thorough preparation, he studied law at Grant City, Missouri, in the office of W. J. Gibson, and afterwards in the office of A. W. Kelso, at the same place. For two years he earned a livelihood by teaching in the graded schools of Worth County, displaying a love for imparting knowledge and a taste for discipline necessary in a tutor of that class. He was admitted to practice at Grant City by Judge John C. Howell, in April, 1881. With the exception of eighteen months that he practiced law at Trenton, Missouri, he has been in continuous practice at Grant City. He formed a partnership in March, 1882, with A. W. Kelso, with whom he had read law and has been associated with him ever since, but during a part of that period the firm had an auxiliary office in Denver. Mr. Schooler has also been admitted to practice in the Federal Courts, both circuit and district.

As large a number of important legal victories can be found in the record of Mr. Schooler as in that of any lawyer of his age in his section of the State, and he has won all of them through his exercise of the rare faculty of instantaneously grasping details. No favorable point in an argument, however small and insignificant seemingly, escapes his wary mental eye, and he has that other fine faculty of making it of the utmost advantage in furthering the cause of his client. His substantial educational training is to a large extent responsible for these traits, but it is possible that the robust common sense and directness of method which he inherited from his Welsh and English ancestry, go far towards bringing about the successful results which have built him up professionally.

He was City Attorney of Grant City from 1881 to 1882, and Prosecuting Attorney of Worth County from 1882 to 1885, both of which positions he filled with satisfaction to his fellow-citizens. He is a Republican, and he did excellent work for his party as a delegate to the Springfield Republican Convention of 1896. As Judicial Committeeman for the Third Judicial Circuit he has also done some praiseworthy managing.

He has the progress and improvement of Grant City much at heart, and has demonstrated it repeatedly as President of the Worth County Public Improvement Company. He is a leading member of three secret orders — the Odd Fellows, the Knights of Pythias and the Modern Woodmen.

Mr. Schooler's marriage occurred in Grant City, September 11, 1881, his wife being Miss Hannah H. Witmar, daughter of Squire Samuel Witmar, an old and honored citizen of Worth County. They have two bright boy children — Vernon E., aged thirteen, and Cleo J., aged six.

Here are a few of the more important cases with which Mr. Schooler has been connected: Fanning versus Doan, 128 Missouri Reports, 323; State of Iowa versus King & Quigley, et al.; insurance case; Iowa Reports, 1890. Bradley Wheeler & Co. versus Harlen Asher, Grant City Hardware and Lumber Co., et al.; 65 Mo. Ap., 589 and 594.

JOHN AUSTIN SEA,

INDEPENDENCE.

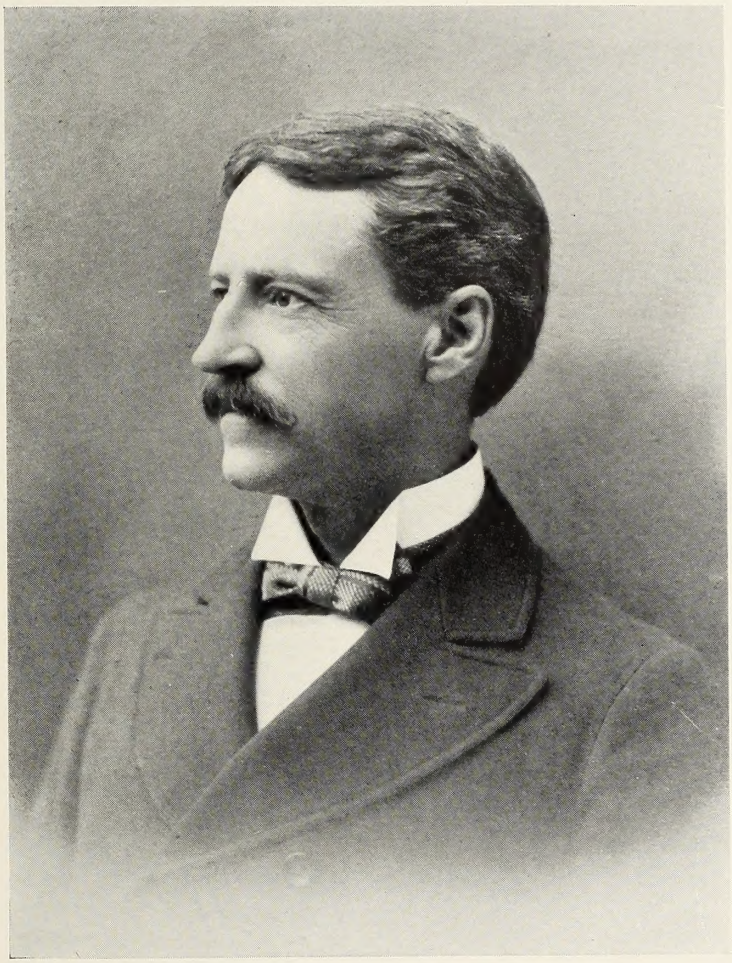
A BRILLIANT and accomplished advocate and a devoted member of the legal fraternity of Missouri, and one well worthy of a place on this roll of honor, is John Austin Sea, of Independence. Mr. Sea is a native of that State which has given to Mis-

souri so much of her capable and vigorous manhood, and has especially graced its bar with many of her gifted sons, the State whose men are so noble and peculiarly American—Kentucky. Mr. Sea was born in Jessamine County, that State, August 5, 1850. His father, Leroy M. Sea, was a native of Virginia, while his mother, who prior to her marriage was Mary M. Moseley, was born in Kentucky. The patronym was originally spelled Seay, but by his father and his father's brothers, the spelling of the name was changed to Sea, its present style. The family as far back as it can be traced shows English and French Huguenot blood, a combination that is productive of a natural aristocracy that in vitality is the equal of that noble strain created by a mixture of Scotch and Irish blood. The Seays, as might be surmised from their antecedents, were intense lovers of liberty and invincible haters of tyranny always. They settled in Virginia at a day that is not exactly known, but which was prior to 1700. The great grandfather of our subject was a soldier in the American War of the Revolution, while his grandfather gave his country valiant service in the War of 1812. The Moseley family were of pure English origin, while his maternal grandmother had a strain of French Huguenot blood, and were also pioneers of Virginia, to the development of which they contributed much.

Mr. Sea came to Independence when five years of age, his father having arrived in that town from Kentucky in April, 1855. Eight years later, or in August, 1863, the family was compelled to leave Independence under that harsh and destructive war measure known as "Order No. 11." They settled in Howard County, Missouri, but about the close of the war went to Mason County, Kentucky, where they remained until 1868, and then returned to Independence.

John A. completed his education at the Independence high school, where he took a full collegiate course in English, Latin and mathematics under the tutelage of that most competent educator, Prof. George S. Bryant, now of Woodland College, Independence. About the time he left school he selected the high and honorable profession of the law as his avocation in life, and as a means to that end, taught school in Missouri for three terms, then left home and went to Doniphan, Kansas, where he taught school during 1873 and 1874, pursuing, when his regular duties would permit, his study of the prescribed legal branches. Early in 1875 he returned to Jackson County, and in the office of Hon. Robert L. Yeager, at Kansas City, completed the work of fitting himself for practice. In the same year he was admitted to the bar by Judge Samuel L. Sawyer, of the Jackson County Circuit Court; June 21, 1876, he opened an office for practice at Independence, and has continued there to the present time, adding to his successes from year to year and constantly widening the circle of his influence and usefulness.

While an earnest devotee of the law, he is a man of broad and versatile mind and has found time to contribute his share to the progress and development of the community in which he lives. He properly holds that education is the basis of all future advancement of the race, and has given generously of his time and effort to promote its elevating influences. For twelve years he has been one of the most active members of the Independence School Board, is now the President of that body and is just entering upon another three years' term. He is also connected with the commercial development of his city as one of the stockholders and as a director in the Bank of Independence, of which he was one of the organizers. In fraternal circles he is known as a leading Mason, being a member of McDonald Lodge, No. 312, Royal Arch Chapter, No. 12, and Palestine Commandery, No. 17, all at



John A. Sea.

Independence. He has been Past Master of Independence Lodge, No. 76, to which he at one time belonged, and is a Past Commander of Palestine Commandery.

Mr. Sea married Sallie Christopher, daughter of Dr. H. Christopher, now a leading medical man of St. Joseph, Missouri, dean of the St. Joseph Medical College and editor of the Herald, a medical journal, published at St. Joseph. Dr. Christopher was formerly of St. Louis, but at the time of the marriage of his daughter, May 5, 1880, was a resident of Independence. Three children have been born to Mr. and Mrs. Sea, and are named respectively, Madge, fifteen; Roi, fourteen; Helen, five.

In the list of citizens honored in her professional world for integrity, ability and high and pure purpose, the great County of Jackson has cause to be proud of the honorable record of John Austin Sea. Of a rather modest and retiring disposition, he has never insisted on or advertised his own merits, but like the sensible man he is, has turned his attention solely to doing what he knows to be right, thoughtless as to whether it earned him credit, although never despising the good opinion of his fellow-men. He has never entered politics, although his profession and his talents opened the way for him. He is a man peculiarly unselfish and generous, and in this is perhaps found the reason of his shrinking from a game where self-assertiveness and self-insistence are to such an extent the means whereby success is achieved. He has largely been the architect of his own fortunes, grappling with the difficulties of his career with a good nature, energy and determination that compelled them to yield him his way.

He is a fluent and graceful speaker, and what he says never fails to bear the impress of his sincerity. He is a lawyer of great reserve force, and this has often stood him in good stead in the trials of the law court. Quick and resourceful withal, his alertness lessens the possibilities of surprise.

One element of his success is his entire frankness in dealing with a case and his fairness to his opponent—qualities that have far more to do with influencing a court and jury than many are aware. While Mr. Sea is always courteous to everybody, he is especially true and faithful to his friends. He is a great lover of outdoor sports and the "gentle art of angling" has no stronger devotee than he. There are scarcely any fishing waters in or around our continent that have not been "troubled" by his beguiling hook. It is doubtful if there is an angler in our country of greater skill, experience and reputation than Mr. Sea.

He has appeared as counsel in a number of cases of the first importance, in which is included the adjustment with the United States in the Court of Claims of the remnant of the Star Route cases, involving the estate of H. M. Vails. Another much quoted case with which he was connected was that of Hunn versus the Missouri Pacific Railway.

THOMAS SHACKELFORD,

GLASGOW.

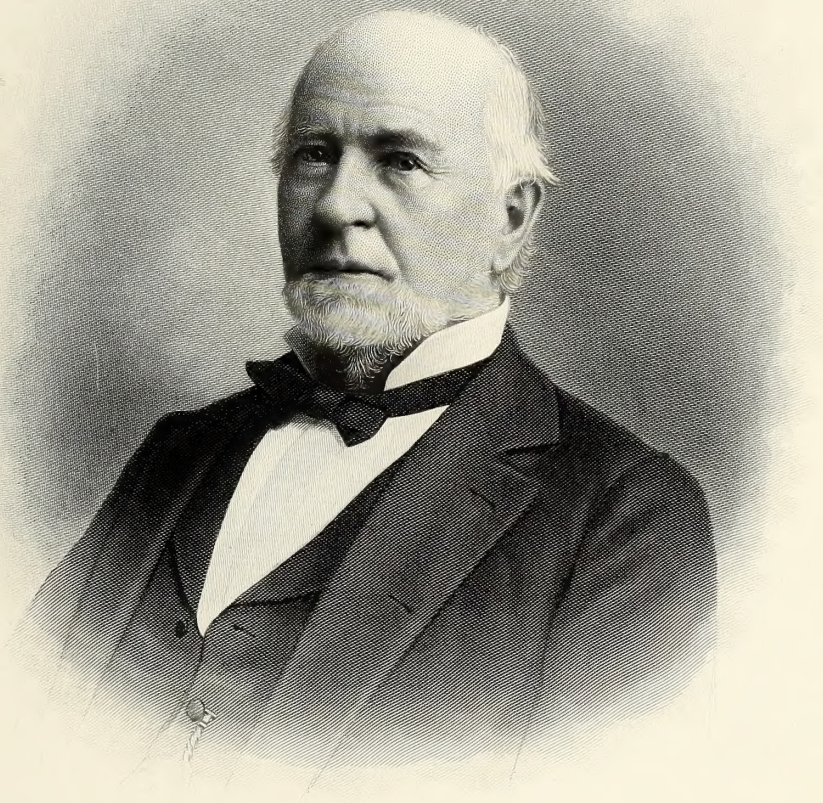
THE name Shackelford is inseparably linked with the legal and public affairs of that section of the State known as Central Missouri, and such connection is just and proper, for no family has contributed more to its progress and civilization than this. One of the most distinguished contemporary representatives of the name in Missouri is Thomas Shackelford, of Glasgow, than whom there is none more interesting as a man or more able and successful as a lawyer. He has rounded out three-quarters of a century of life,

and yet he can boast that he is a native of the State in which he has lived so long and which he loves so well. Very few indeed are the lawyers of Missouri who, like him, must traverse back the long stretch of fifty-five years to reach the date of their admission to the bar. He is one of the few "grand old men" of the Missouri bar, held in the highest esteem of all who know him, and respected and venerated by the younger members of his profession, and his honored old age is the reward of a useful and upright life. He is a most likable and interesting personality. Having such an extended career, he has a fund of fact and history to draw on that is practically inexhaustible, and having been a close and intelligent observer during his long life, to hear him talk is always both entertaining and instructive. Nor must it be concluded from the fact that he is seventy-six years of age and has practiced law for over half a century, that he is old, except in years; for his heart is as green as it ever was, his intellect as bright, and even his physical organization, builded by a life of temperance and right living, seems little touched by Time's heavy hand.

Thomas Shackelford was born on a farm near the town of Old Jefferson, Saline County, Missouri, February 6, 1822. The Shackelfords are of English origin, the family seat having been near the border of Wales in England. Thomas Shackelford, the father of our subject, was a native of Dumphries, Virginia, from where he went to Kentucky and became a partner of ex-Governor Metcalfe in the brick and stone-mason business, both Thomas Shackelford and ex-Governor Metcalfe being bricklayers by trade. The former impressed on the mind of all his children the high dignity of labor, and his son, whose sketch here appears, has often been heard to say—"I am proud of my ancestors' calling and that they realized the fact that all honorable men must labor. I sometimes tell my children that I belong to the 'mudsill aristocracy.'" In 1817 Thomas Shackelford was married at Nashville, Tennessee, to the mother of the subject of this memoir. She was born Eliza Chives Pulliam, she was a native of North Carolina and was of Huguenot extraction. The couple soon sought a home in Missouri, settling in Saline County, in 1820. Thomas Shackelford, senior, was one of the first County Judges of Saline County, and was one of the influential and leading citizens of the central part of the State. In 1835 he was called to St. Louis. It was his last earthly journey, as he caught the cholera, and lies buried in that city. His wife and helpmeet died in Saline County March 9, 1851.

Thomas Shackelford received his education in a private school at Fayette, Howard County, that was kept by Archibald Patterson, who founded at that town what is now known as Central College, one of the leading educational institutions of the State. He also studied law at Fayette, under the instruction of Judge Abiel Leonard, afterward Judge of the Supreme Court of Missouri, and one of that coterie of brilliant lawyers of the early days, whose memory the State cherishes. The young aspirant was admitted to practice at Fayette in 1842, and was at that time twenty years of age, there being no law then compelling legal neophytes to be twenty-one years old to obtain a license. He chose Glasgow, in Howard County, just across the Missouri River from his native county of Saline, as a location, and has lived and labored there ever since. During the long period of his residence there, his practice has been interrupted but once, and that for a year only during the troublous times of the war. During the period from 1861 to 1865 he was a partner of Judge Washington Adams, afterwards Judge of the Supreme Court.*

* It may be of interest to the younger members of the profession to recall the fact that when Mr. Shackelford began practice, there were but eight volumes of Supreme Court Reports.



Legal Publishing Co. St. Louis.

Mr. Shackelford has been sent by his people to two State Constitutional Conventions, which, as is well known, were composed of the ablest and best men from all parts of the State. He represented Howard, Chariton and Randolph Counties in the Constitutional Convention of 1861, and was the representative of Howard, Randolph and Monroe Counties in the Convention which met at Jefferson City in 1875 and gave us our present Constitution. In the Convention first named, his colleagues were Judge William A. Hall and Gen. Sterling Price. Prior to the war he was a Whig in politics, and on all the great questions that finally ended in bloodshed, was a thorough believer in the Union. After the war, he was in favor of a policy of conciliation toward the South, and thus it was, as one of the leaders of thought in his section, he was sent as a delegate to the Democratic Convention which co-operated with the "Claybank," or Liberal-Republican State Convention which met in 1870 and nominated B. Gratz Brown for Governor. Since then he has been a staunch Democrat, and although he has wielded a very marked influence in shaping the course of his party in this State and has an extended popularity, he has consistently refrained from ever asking the suffrage of the people for any office, though he has held honorary positions too frequently to be enumerated. He has been a conspicuous figure in almost every State Convention since the war. He was an original silver man, was a delegate to the Pertle Springs Convention of 1896, and a delegate to the Sedalia Convention the same year and was Chairman of the Committee on Resolutions. He did his share toward making Missouri the leader of the States in a declaration for silver. It was he who made among the first silver speeches ever delivered in Howard County.

Mr. Shackelford is very public spirited and has been a leader in many enterprises of a public or semi-public nature. He assisted at the organization of the Glasgow Savings Bank, the oldest bank in that section of the State, having been in existence since 1872. He was the bank's first President and is still President. During the terrible panic of 1873, when so many banks suspended, this bank weathered the storms safely and easily. Mr. Shackelford is one of the Directors of the Kansas City, St. Louis & Chicago Railroad, which is now leased and is the Kansas City division of the Chicago & Alton. For many years he has been the local attorney for a branch of the Wabash Railway. He is one of the oldest members of the Odd Fellow fraternity, and for a number of years has been the District Deputy.

June 17, 1851, Mr. Shackelford was married to Miss Sarah Elizabeth Harrison, daughter of John Harrison and Pemela Marr, his wife, both of Scotch derivation. The couple have three children, namely: Ida E., now the wife of Rev. C. C. Hemenway, President of Pritchett College, Glasgow; Maud S., wife of James H. Denny, the present Prosecuting Attorney of Howard County; and George Carlisle, who has just passed his twenty-first birthday.

DORSEY WILLIAM SHACKLEFORD,

BOONVILLE.

UNDOUBTEDLY one of the most gifted sons produced by a family noted in Central Missouri for the virile characteristics and ability of its members, is Judge Dorsey William Shackleford. Though he is little past his fortieth year, he has achieved a reputation as one of the most learned and accomplished lawyers of the Missouri bar, and now occupies the honorable and responsible position of Judge of the Fourteenth Judicial Circuit.

Judge Shackleford was born August 27, 1853, on a farm near Sweet Springs, Saline County, Missouri, and is the son of William J. Shackleford and Amanda Harris, his wife. Both stems of his family tree are rooted deep in the soil of old Kentucky. William J. Shackleford was the son of Richard Shackleford, a son of William Shackleford, of Richmond, Kentucky. William J. Shackleford, the father of Judge Shackleford, was a native of Missouri, and thus it will be observed that the family as pioneers assisted in the foundation of two States. The father was married September 6, 1852, to Amanda Harris, likewise a native of Missouri, she having been born at that flourishing town of early Missouri days, now known as old Franklin, and which was located in Howard County, just across the river from Boonville. Miss Harris was a daughter of Hezekiah Harris, an early settler of Central Missouri, who came to this State from Elizabethtown, Kentucky. She died in 1895, though her husband still lives.

Dorsey William, the eldest child of William J. and Amanda Shackleford, was educated in the common schools of Central Missouri, and from there entered the State Normal at Warrensburg. His education was completed at William Jewell College, at Liberty, Missouri. Like many of the men who afterward achieved distinction as members of the Missouri bar, Judge Shackleford in his youth taught school. It was by this means that he sustained himself while preparing for the bar, a profession he chose while he was yet a boy at school. Therefore, while acting as tutor in the daytime, he spent his evenings over his law books, and thus he was far advanced when he entered the office of Judge Richard Field, at Lexington, to complete his legal studies. He was there admitted to the bar by Judge William Wood in 1875, but it was not until 1879 that he opened an office at Boonville, where he has since resided and practiced.

The eighteen years of Judge Shackleford's professional career have been marked by many triumphs — not sensational and conspicuous, but nevertheless important achievements because they constantly increased the fame and prestige of the young lawyer. He holds to the theory that one only of the most exceptional and versatile qualifications can succeed in both politics and law at the same time, and while he takes the interest of the good citizens in politics, he has chosen the law as the vocation best suited to his inclinations and talents. Therefore, he has only accepted honorary distinctions of his party, or those offices where his talent as a lawyer is demanded. At the beginning of his professional career, he was elected Prosecuting Attorney of Cooper County, and was only permitted to retire from the office when he had served three terms. In 1892 he received the signal honor of an election to the Circuit Judgeship of the Fonrteenth District, of which he is still incumbent, and will, perhaps, succeed himself.

Judge Shackleford is a Mason and a member of several fraternities of that order. He is a Democrat, and holds to his principles with the calm steadfastness of one who has reached his conclusions through earnest thought and close investigation. His party honored him in 1896 when it made him an alternate delegate-at-large to the Democratic National Convention at Chicago.

December 7, 1887, Judge Shackleford married Miss Florida Hall, of Saline County, Missouri. She comes of that fine old family which has been so closely connected with the history and development of Central Missouri. Judge and Mrs. Shackleford have two bright children, a boy and a girl, named respectively, Hall, aged 9, and Agnes, aged 7.

Judge Shackleford is to-day considered one of the most erudite lawyers of his part of the State, and has won no less honor as a Judge than he achieved fame as a lawyer. He

is richly endowed with that judicial instinct which weighs the equities of a case, and his broad and deep knowledge of precedents and authorities enables him to also employ the measurement of the law in dealing with any proposition. He is a man of interesting personality and his bearing cannot fail to impress one with his honesty and sincerity. His inclinations are scholarly, and he has read widely on a great variety of subjects, which has given him that liberality of mind which enables him to view life from many sides. He cultivates the higher amenities of existence and his aspirations are such as have raised man to his present position.

JOHN H. SHANKLIN,

TRENTON.

AN influential and able member of the bar of the northern part of Missouri is Col. John H. Shanklin, of Trenton. Colonel Shanklin is one who has risen by his own efforts and is in every respect a self-made man. His early surroundings were those of most of the men who because of intellect, character and strength are the leaders of our day. He lived in the log house, ate the wholesome fare provided on the farm, and amidst the primitive, simple and honest people of a pioneer day, learned the lesson of self-reliance and the worth of good character and right living.

Colonel Shanklin was born November 2, 1824, in Monroe County, Virginia (now West Virginia), and there spent his boyhood days on his father's farm. The latter, Absalom Shanklin, was born in Botetort County, Virginia, and married Nancy Luster, a native of Campbell County, Virginia. To the couple were born six sons and four daughters, of whom John H. was the eighth child. The lad was educated in the log school house of that day, and notwithstanding that the terms were held only during the winter months, such limited opportunities inspired in the boy a great thirst for knowledge, which he attempted to satisfy by borrowing and reading all the books to be found within miles of his home. He taught two terms of school during his minority, and the summer after he attained his majority, worked a farm "on shares" with a brother-in-law in an adjoining county. By this season's work, by close economy, he was able to pay his expenses to the West. Filled with the brilliant hopes to be realized in that land so pregnant of every possibility, he made the start from his ancestral home, March 4, 1846, and after many days of travel on foot, by steamboat, through land where no railroad had yet come, finally reached Platte County, Missouri. After spending a few days there and a week in Buchanan County, he arrived, April 10, 1846, at the little town of Trenton, Grundy County, which has been his home ever since.

During the summer of 1846 and the succeeding winter, he taught school at a point twelve miles north of Trenton. During the summer of 1847 he began a school near Trenton, but in August hired a substitute to fill his place as teacher and enlisted in Company A, (Capt. John C. Griffin), Missouri Volunteers, Indian Guard Battalion, for service during the war with Mexico. Under Col. William Gilpin the command spent the following winter along the Arkansas River. In the spring of 1848 young Shanklin was promoted from private to Quartermaster and Commissary Sergeant, serving as such until mustered out in the fall of 1848. On matters pertaining to the settlement with the Department at Washington, he was sent during the winter of 1848–49, by his chief, on a mission to St. Louis and back.

For this purpose he rode the chief's "war mule," crossed the Missouri River at Rocheport on the ice and traveled down the river through Jefferson City to St. Louis. He returned via St. Charles and Columbia, and reached home during a blinding snow-storm in March.

After his return from St. Louis he again secured a school, teaching in Trenton during the winter of 1849–50. It was during this term, or more exactly, January 22, 1850, that he was married to Kittie Ann Collier, daughter of William and Susan Collier, natives of Kentucky, who resided for many years at Fayette, Missouri, and moved to Trenton in the early 'forties. The marriage was celebrated on the bride's twentieth birthday. Of this union five children were born, three of whom — two boys and a girl — yet survive, are married and comfortably settled near the old folks.

Soon after his marriage, Colonel Shanklin was appointed Probate Judge of Grundy County. This necessitated a knowledge of law, which he at once set about obtaining, and (to use his own words), "from that time on I was a law student for near forty years." Too modest and retiring to scheme for place or power; too honest and conservative to descend to the dead level of partisan politics; remembering always that he was an American citizen before he was a Democrat, he has not occupied the high public stations to which his eminent abilities, high standing and character so eminently fit him; yet, in the few public stations he has filled he has always acquitted himself with such courage, courtesy, patriotism and ability as to call forth nothing but praise.

He was admitted to the bar in 1851, and in 1853 formed a partnership with Jacob T. Tindall, Sergeant Major of the command in which they both served during the Mexican War. Colonel Shanklin resigned his office and entered actively into practice, which in that day consisted largely of making collections for the wholesale firms of the large cities. The firm had tens of thousands of dollars in notes for collection, involving trips often of from twenty-five to fifty miles. Commissions were large and the lawyer in that day had but little difficulty in keeping the wolf from the door. Colonel Shanklin took charge of the office and home work, the preparation of briefs, etc., while Major Tindall rode the circuit, then consisting of eight or ten counties. In 1859 the firm took in James Austin as a partner, and was continued thus until the breaking out of the war in 1861.

In 1861 Major Tindall organized the Twenty-third Regiment, Missouri Volunteers, and as Colonel of his command, fell at Shiloh. The firm of Shanklin & Austin was still maintained, and about this time added banking to its law practice. In 1876, while still continuing as a partner of Mr. Austin in the bank, Colonel Shanklin formed a law partnership with M. A. Low, now of Topeka, and H. C. McDougal, now of Kansas City, which existed under the name of Shanklin, Low & McDougal for about ten years. During these years Colonel Shanklin was a frequent contributor to the Central Law Journal, and perhaps other legal publications. All his legal writings were marked by strong, clear, vigorous statement, close analysis and logic, and his conclusions therefore seemed almost irresistible. In 1882–3 he was President of the Missouri Bar Association, and his annual address at the meeting held at Sweet Springs, July 25–26, 1883, was one of the best ever delivered before that distinguished body. The subject of our biography retired from law practice about 1890, being convinced that his long service and success entitled him to a quiet life the balance of his days.

While Colonel Shanklin has always been a clear thinker and strong writer and talker, yet perhaps his fame as a lawyer rests more largely upon his untiring industry, profound knowledge of the law, and his great power and skill in presenting his arguments to court

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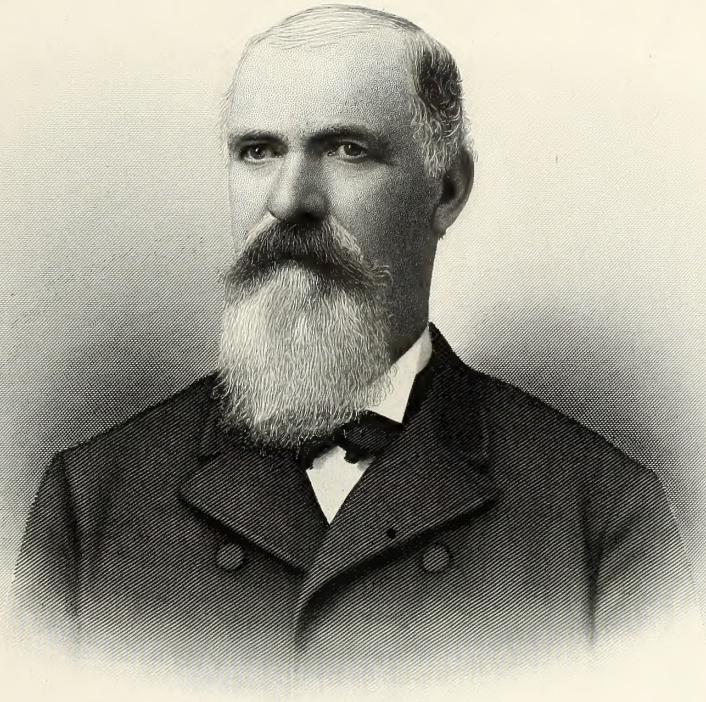
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Soon after his marriage, Colonel Shanklin was appointed Probate Judge of Grundy County. This necessitated a knowledge of law, which he at once set about obtaining, and (to use his own words), "from that time on I was a law student for near forty years." Too modest and retiring to scheme for place or power; too honest and conservative to descend to the dead level of partisan politics; remembering always that he was an American citizen before he was a Democrat, he has not occupied the high public stations to which his eminent abilities, high standing and character so eminently fit him; yet, in the few public stations he has filled he has always acquitted himself with such courage, courtesy, patriotism and ability as to call forth nothing but praise.

He was admitted to the bar in 1851, and in 1853 formed a partnership with Jacob T. Tindall, Sergeant Major of the command in which they both served during the Mexican War. Colonel Shanklin resigned his office and entered actively into practice, which in that day consisted largely of making collections for the wholesale firms of the large cities. The firm had tens of thousands of dollars in notes for collection, involving trips often of from twenty-five to fifty miles. Commissions were large and the lawyer in that day had but little difficulty in keeping the wolf from the door. Colonel Shanklin took charge of the office and home work, the preparation of briefs, etc., while Major Tindall rode the circuit, then consisting of eight or ten counties. In 1859 the firm took in James Austin as a partner, and was continued thus until the breaking out of the war in 1861.

In 1861 Major Tindall organized the Twenty-third Regiment, Missouri Volunteers, and as Colonel of his command fell at Shiloh. The firm of Shanklin & Austin was still maintained, and about this time added banking to its law practice. In 1876, while still continuing as a partner of Mr. Austin in the bank, Colonel Shanklin formed a law partnership with M. A. Low, now of Topeka, and H. C. McDougal, now of Kansas City, which existed under the name of Shanklin, Low & McDougal for about ten years. During these years Colonel Shanklin was a frequent contributor to the Central Law Journal, and perhaps other legal publications. All his legal writings were marked by strong, clear, vigorous statement, close analysis and logic, and his conclusions therefore seemed almost irresistible. In 1882–3 he was President of the Missouri Bar Association, and his annual address at the meeting held at Sweet Springs, July 25–26, 1883, was one of the best ever delivered before that distinguished body. The subject of our biography retired from law practice about 1890, being convinced that his long service and success entitled him to a quiet life the balance of his days.

While Colonel Shanklin has always been a clear thinker and strong writer and talker, yet perhaps his fame as a lawyer rests more largely upon his untiring industry, profound knowledge of the law, and his great power and skill in presenting his arguments to court



J. H. Shanklin

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and jury. Whether addressing the farmers on a jury in the "Grand River Country," or speaking to the highest courts in the land, his arguments were equally clear and convincing, and no one ever listened to one of his powerful pleas without being thoroughly convinced, from face, voice and manner, that Colonel Shanklin believed implicitly in the truth of every proposition of law and fact which he was laying down and enforcing.

Colonel Shanklin saw service during the War of the Rebellion, and in that contest won his title. In 1861 he was made Division Inspector of State troops by Governor Gamble, with the rank of Colonel. As such he mustered in Colonel Tindall's Twenty-third Missouri Volunteers and two battalions of Missouri Militia. He also helped organize the Third Regiment of Missouri State Militia, of which he was commissioned Lieutenant-Colonel.

In 1862 he organized the Thirtieth Regiment, Enrolled Militia of Missouri, of which he was commissioned Colonel, and with such part of his command as was necessary, was on duty at Chillicothe until the close of the war. During his incumbency of his responsible military office, he still transacted such civil duties as the troublous times would permit, attending the courts on the circuit, etc. He became Colonel Tindall's successor in the Convention called to consider "Missouri's Relation to the Union," and as such showed his statesman-like qualities at its sessions in 1862 and 1863. He was likewise, in 1875, a member of the Convention which framed the present State Constitution, being a member of the important Committee on the Legislative Department.

Shortly after the opening of Oklahoma Territory, Colonel Shanklin was appointed as the Democratic member of the Town Site Commissioners, No. 1, of that Territory, and assigned by the Secretary of the Interior to the City of Guthrie. The Board was composed of D. J. McDaid, of Iowa; William H. Merriweather, of Kansas, and Colonel Shanklin. For about thirteen months following the early summer of 1890, Colonel Shanklin, being the only lawyer upon the Board, was assigned to write nearly all its opinions, and these opinions settled the title of the claimants of lots in Guthrie and the smaller towns of Mulhall, Stillwater and Perkins. Under the law the Commissioners made a list of all lots in the cities or towns within their jurisdiction, appraised their value, set a day for filing claims to the various lots, there often being many claimants to the same piece of property. The land was patented by the Government to the Board, and after hearing all claimants, the Board deeded the lot to the person whom they decided, under the proof, to have been the first actual settler. In all these contested cases, a written opinion was filed dealing with law and facts as in the Supreme Court. The opinions of Colonel Shanklin for the Board practically settled the titles to all town sites and town lots within their jurisdiction. Colonel Shanklin regards that as the hardest work of his life, but it has proven of incalculable value to the people of Oklahoma.

Colonel Shanklin is a man of great public spirit and has been of immeasurable benefit to his town and county. He was President of the Chillicothe & Des Moines Railroad, and arranged its transfer to the Chicago & Southwestern Railroad Company, under terms which completed the road and made Trenton the location for machine shops and round houses and the end of a division. The line is now a part of the Chicago, Rock Island & Pacific. Since 1886 Colonel Shanklin, as trustee, has had full charge and control of the great railroad and highway bridge across the Missouri River at Fort Leavenworth; has made repairs at a cost of over $80,000, and handled over $200,000 of the funds of the bond-holders, and all his work in that direction has met with their full and complete approval. He is now

President of the Grundy County Coal Company, the Trenton Handle Manufacturing Company, Vice-President of the Grundy County Fair Association, and until its transfer of ownership, was President of the Trenton Gas and Electric Light Company. He is a prominent Odd Fellow, has filled all the principal offices in his lodge, and has acted a number of times as delegate to the Grand Lodge of the State.

FRANK TECUMSEH SHEETZ,

CHILLICOTHE.

FRANK TECUMSEH SHEETZ was born in Clay County, Missouri, on September 19, 1851, his father, Samuel Sheetz, being a leading physician in that part of the State until his death. The Sheetz family were originally Virginians, who emigrated to Missouri early in the century. The maiden name of the mother of the present Mr. Sheetz was Caroline Osborne, she coming of an old Indiana family, who, like the Sheetz family, settled in Missouri at an early period.

The educational training of Mr. Sheetz was carefully attended to, he obtaining his rudimentary knowledge in the common schools of Clay County, and then finishing his education in McGee College, at College Mound, Macon County, Missouri. Deciding to adopt the law as his profession, he entered the office of W. H. Woodson, at Liberty, Missouri, where he studied until September, 1873, when he was admitted to the bar in the same town, by Judge Lucas. He immediately began practicing, and shared Mr. Woodson's office until 1875, when he located in Chillicothe, his present home, where he has practiced continuously since.

There are several and varied causes for the success of Mr. Sheetz as a lawyer, but the chief one is, perhaps, the determination he has always shown to be simply a lawyer, stifling all extraneous ambitions, that he might excel solely in his chosen profession. His accomplishments are many, and his capacity to succeed in other walks of life are undoubted, but all his native talents have been utilized in legal channels entirely.

He showed this, when for the three years, from 1876 to 1879, he served as City Attorney of Chillicothe. He was then quite young, but managed the legal affairs of the municipality with a wisdom and firmness that would have been creditable to older and more experienced men. This early public recognition of his talents proved a stimulant to greater endeavor, and Mr. Sheetz has steadily advanced in his calling to a position which to-day is an honor to the city of his adoption. He is now in the prime of life and in the middle period of his professional career.

Notwithstanding a practice which makes him a busy man, he has always found time to take a hand in public affairs and to act for the advancement and profit of the community. He has civic pride to a high degree, and on every occasion proves himself a model citizen. Politically he is a Democrat, and an advocate of the "sound money" doctrine. He has never been an office-seeker, however, preferring to serve in the ranks, and work as a private citizen in the interest of his party and of the people in general.

The wife of Mr. Sheetz was Miss F. B. Rucker, whom he married in Livingston County, Missouri, on May 7, 1873. She is the daughter of Edwin Rucker, one of the old settlers of that county, and a prominent farmer. The four children of Mr. and Mrs. Sheetz



Wm. S. Shirk

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make an interesting group. Edwin Rucker, the eldest, is a law graduate of the Michigan State University, at Ann Arbor; Samuel L., the second son, is also a law graduate of that university, and Flora B. is a student of music in St. Louis, while Nellie, the youngest, remains at home with her parents.

WILLIAM S. SHIRK,

SEDALIA.

FEW legal gentlemen in the State are rated higher in their profession, or have a wider acquaintance in Missouri, and especially the central portion, than Judge William S. Shirk, of Sedalia. His judicial experience is a long one, and his record at the bar and on the bench has illustrated in a striking degree his sterling character, his high ideals of exact justice and his undoubted ability.

In Judge Shirk's veins flows undiluted the blood of the German Fatherland, but such is the influence of environment operating through many years, that few would suspect that he were anything but an American of many generations of development from the nearly related English stock. Even his family name has yielded to the influence of new conditions, and has changed from "Scherrick," the German spelling, to the shorter English "Shirk." Although the purity of the German descent has been preserved until now, its transplanting to American soil dates from the beginning of the century. Jacob Shirk, father of the subject of the present biography, was the grandson of one of three brothers of that name who came to America nearly an hundred years ago. His father was an old line Whig in politics, and on the organization of the Republican party, promptly transferred his allegiance thereto, in 1856. Into this party his three sons followed him as they grew up. The father was a miller and a farmer. The mother of Judge Shirk was born Susan Stouffer, and as has been stated, was also of German parentage. She was a woman domestic and home-loving in her tastes and inclinations and devoted to her household, her children and her church. She was an ideal mother and the best evidence of her influence for good is found in the children who have grown up to honor her.

The important events in the life of Judge William S. Shirk may be enumerated as follows: Born in Franklin County, Pennsylvania, August 24, 1843, he there passed his childhood and conned his primary educational lessons in the common schools. While yet in his boyhood, he emigrated with his family to Illinois, where his common school education was finished. Naturally aspiring and ambitious, he became a devoted student and began the work of storing his mind with knowledge from every source that offered, his scholastic course being completed at the Mount Carroll (Illinois) Academy, a school of higher mathematics and the languages. Next he entered a law office and began the study of law, and that the law is a profession to which he is eminently adapted, his successful career is absolute proof. His professional studies were completed at the celebrated Law School of Albany, New York, whose alumni reckons so many men of distinguished legal attainments. There he continued from 1863 until 1865, when he was admitted to the bar at Albany, New York. Soon after he was enrolled at Chicago on the list of Illinois lawyers, and in July, 1865, was admitted to the bar in Missouri.

It was during the war period that these legal studies were prosecuted, and that great upheaval which changed the course of so many lives, and ended forever the lives of so

many more, might have had a profound influence on his, had it not been that physical disabilities made his acceptance as a soldier impossible.

In 1865 he came to Missouri, which just then was beginning to feel the invigorating influences of the stupendous changes and re-adjustment of forces caused by the war. He located at Warsaw, the county seat of Benton County, which in that day was of comparatively greater importance than now. In the year following his arrival at Warsaw (1866), he was appointed County Attorney of Benton County, and in 1868 he was appointed Circuit Attorney of the Seventh Judicial District, then consisting of eight counties. On the expiration of his term he was urged to again assume official duties, but withstood such pressure until 1874, when he became a candidate and was elected Judge of the Seventh Judicial Circuit. This office he administered with signal justice and fairness until 1878, in November of which year he resigned to practice law, entering into partnership with Judge James H. Lay, also an able lawyer and a distinguished publicist. This partnership continued until 1879, when Judge Shirk removed to Sedalia, which was then rapidly justifying her title as "Queen City of the Prairie," and there he has since resided.

In 1882 he formed a connection with the legal department of the Missouri Pacific Railway. That he has impressed that great corporation with the worth of his services is evidenced by the weighty legal responsibilities that have been placed upon him. For the six years past he has divided his time between Sedalia and St. Louis, in the service of the road.

The Judge could in nowise be called a politician, but his interest as a good citizen in the political affairs of the country and his marked ability have forced him to the front as one of the leaders of his party in Central Missouri. He is an active Republican and the fact that his opponents have always largely outnumbered his party, has not in the least cooled his ardor. In 1884 he was the Republican candidate for Congress in the old Sixth District, and the same year was a delegate to the National Republican Convention at Chicago. In 1892 he was a candidate on the State Republican ticket for Supreme Judge. His popularity in this case almost proved a winner, notwithstanding the odds, as he was defeated by only 981 votes.

He was married in St. Louis, December 23, 1868, to Frances S. Hastain. Four children have blessed the union, the eldest, Miles Burdett, dying in infancy. The other three are Bessie S., Maud S. and William S., Jr. The oldest, Bessie S., is married to S. P. Johns, Jr., a lumber merchant of Sedalia.

Judge Shirk is a member of the Masonic and Odd Fellows societies, and has been connected with both for over thirty years. He is an honor to his profession, is a citizen universally respected, and his long and honorable career in Missouri entitles him to the success that is his.

LUTHER CLAY SLAVENS,

KANSAS CITY.

LUTHER CLAY SLAVENS, the son of Hiram B. and Sarah (Holland) Slavens, was born in Putnam County, Indiana, August 13, 1836. The name was originally "Slavin," but for some cause, most probably because of the fact that those of the family who enlisted in the Revolutionary War were enrolled under the name "Slavens," as it was even then frequently pronouced, the name became changed to Slavens. His grandfather,



C. E. Stevens

Isaiah Slavens, was born in what is now Rockingham County, Virginia, but was then a portion of Augusta County. Isaiah's father, John Slavin, the great grandfather of the subject of our sketch, was a native of the North of Ireland. He came to America before he had attained his majority, settled in that part of Virginia above referred to, and there married Elizabeth Stuart, a member of a Scotch family.

A few years prior to the breaking out of the American Revolution, he removed with his family to a tract of land on the headwaters of Jackson River, at a point a little west of Vanderpool Gap, in what is now Highland County, Virginia. On this farm his descendants still live, the land being owned and tilled by members of the fifth generation.

The family was a deeply patriotic one, and when the Revolution was waged, Isaiah Slavens, with others of the family, left the farm, shouldered his flint-lock musket, and marched, suffered and fought with Washington. He served four campaigns in this war, and when the War of 1812 was precipitated, he enlisted, with three of his sons, the father serving one year. After the Revolution, he settled in Greenbriar County, Virginia, but in a short time concluded to push into what was then a western wilderness. Accordingly, in 1792 he settled in Montgomery County, Kentucky. It was in that State that Mr. Slavens' parents, Hiram B. Slavens and Sarah Slavens, nee Holland, were born and reared.

Luther Clay was reared on the Indiana farm where he was born. He completed his education at Indiana Asbury University, which is now known as Depauw University. There he graduated in 1858, from its classical department, and from the law department two years later, or in 1860.

Convinced that nothing is of greater assistance in life to any man than the sympathy, help and love of a good woman, at the threshold of his career, January 8, 1861, he wedded Miss Sallie Boggs Shelby, daughter of Isaac Shelby, of Tippecanoe County, Indiana. Her grandfather, David Shelby, was reared in Rockingham County, Virginia, and was one of the early settlers of Pickaway County, Ohio. He was a man of influence, universally respected, and for over twenty years represented his county in the Ohio Legislature. His ancestors came to this country at a very early day from Wales, and settled near Hagerstown, Maryland.

Mr. and Mrs. Slavens have but three children, all daughters. The eldest, Lulie, married George L. McNutt; the second, Mattie, married H. W. Immke, and the youngest, Dade, became the wife of John Slavens.

Soon after his marriage, Mr. Slavens removed to Covington, Indiana, where he opened an office and began practice. He continued to reside there until the close of the Civil War when, convinced of the greater opportunities of the West, he removed to Kansas City, Missouri, where he has steadily continued the practice of his profession.

He justly ranks with the best and ablest lawyers of the Kansas City bar. He is a man of strong character, uncommon self-reliance, and pronounced individuality. These qualities, together with a clear, logical mind and the courage of his convictions, have made him prominent in his profession.

He has never sought nor held political office, although at one time, 1889, he was appointed City Counselor of Kansas City, and served one year. He was a member of the National Republican Convention of 1880, and was one of the "306" who voted for General Grant to the end. On questions concerning political matters he is a man of pronounced convictions, and of most rigid conscience. Although, of course, a party man, he is devoted above all else to principle, and never lets party fealty interfere with what he believes to be

right. He is a warm sympathizer with the people, and favors any political principle that is in their interest. Both he and his wife, as were their parents before them, are members of the Methodist Episcopal Church.

JAMES H. SLOVER,

INDEPENDENCE.

AMONG those lawyers selected because of learning, purity of character and general worth to occupy positions of responsibility on the bench, none is better known than Judge James H. Slover, of Independence, as none is better qualified to discharge the duties of that exalted office. Firmness of purpose, uniform courtesy, a clear and discriminating intellect and an unfaltering adherence to his convictions of right and of justice have characterized his actions throughout life and have been cast into a stronger relief and their value made more certainly apparent by their application in the many years he has administered the law from the bench.

The name Slover comes from that little country reclaimed from the sea by its sturdy and admirable inhabitants — Holland; and the strong and surviving Dutch, perhaps did more than any other people outside of those who came from the insular "Three Kingdoms," to reclaim this vast American empire from a state of nature. The ancestors of Judge Slover were of this fearless band who were the pioneers of the Republic. The American record of the family begins with our subject's great great grandfather, who came from Holland and made a settlement in the beautiful and fertile Mohawk Valley in New York. The family established itself near Schenectady, and there, through many generations, the homestead passed from father to son, each rearing a family and passing from the scene of action. There Judge Slover's great grandfather, his grandfather and father were born and died. The men of the name were of a strong, brave and intensely patriotic strain. The great grandfather was an ardent supporter of the Colonies, and gave faithful service to his country as a soldier in the Revolutionary War, and his son was a soldier in the "War of 1812."

Jacob J. Slover, the son of the soldier of the War of 1812, and father of the subject of this biography, removed from the old homestead shortly after his marriage to Christiana A. Potter, and settled at Towanda, Pennsylvania, where their son, James H. Slover, was born, on the last day of the year 1838. The lad's common school education was begun in Towanda and completed at Chicago, to which place his parents removed in 1848, when he was in his tenth year. The family did not remain long in Chicago, however, coming to St. Louis in 1852. Twelve years were passed in St. Louis, and then, March 31, 1864, the young man removed to Independence, Missouri, which has ever since been his home.

It was about this time — the date of his settlement at Independence — that he made up his mind to enter the profession of the law. To that end he entered the Union College of Law at Chicago, and taking the regular course was graduated in June, 1866. The year 1866 is an important one in the life of Judge Slover. As previously stated, he was graduated in June of that year; in the following September he successfully passed his examination, and was admitted to practice at Independence by Judge Tutt of the Sixth Judicial Circuit; in November he was elected Justice of the Peace, and in the closing month of the year, the crowning event of all occurred — his marriage to Miss Mary A. Howe. Miss



O. H. Slocum

Howe was born in Independence and was the daughter of William Howe, one of the earliest merchants who carried on trade with the Mexicans and Indians of the great Southwest. He died at Independence in 1849. Her mother, at the age of fourteen, came from Bardstown, Kentucky, with her uncle, Colonel Davy, a noted Mexican trader of his day, and in 1836 settled in Independence, where she has since resided. To this marriage of Judge Slover and Miss Howe was born one child, Mary Howe Slover.

The election of the young lawyer as Justice of the Peace in 1866 did much to help him in gaining a foothold as a practitioner. He held the office four years, and at the end of that time was enjoying the proceeds of a flourishing business. After his admission to the bar he followed his profession continuously until he entered upon his judicial career. He has always been a staunch friend of education and at various times has acted as a member and Treasurer of the School Board of Independence. In 1868 he was elected Mayor of that town, serving until 1870. He is a pronounced Democrat, and was one of the leaders of that party in Western Missouri for years, representing it in various capacities. He was a member and Chairman of the Jackson County Democratic Committee for a great many years, and while in that position, was recognized as one of the most active opponents of the proscriptive "Drake Constitution." On account of his earnest and intelligent opposition to this instrument he was one of the three persons selected by Jackson County to organize the opposition to this measure by the creation of lodges belonging to a State society. On a platform calling for the removal of all disabilities growing out of the Civil War, B. Gratz Brown was elected Governor in 1870, and this resulted in the calling of the Convention in 1875, which repealed the Drake Constitution and drafted the present Constitution.

From 1875 to 1885 Judge Slover's time was given to his practice as a member of the firm of Comingo & Slover, and later of Philips, Comingo & Slover, a combination of three of the strongest lawyers of the State. During the year last named, Judge Slover was appointed Judge of the Circuit Court of Jackson County, Division No. 2. In 1886 he was nominated as his own successor, without opposition by his party, and was elected. In 1892 he was again nominated and elected by a large majority. His present term expires in 1898.

While Judge Slover has achieved high rank as a practitioner, he is above and beyond all a Judge. It may be truly said that he possesses to a high degree the judicial temperament. First of all, it is his earnest wish in every case to do exactly what he thinks is right between man and man. He is not possessed of the idea that he knows all the law and is always a patient, attentive listener to the arguments of counsel. In a trial of a cause he keeps his mind in a state of equipoise until the entire evidence has been heard, and has little patience with refinements and technicalities. He is a firm believer in the doctrine that courts are established to administer justice and everything is subordinated to that end. On the bench he talks but little, has no iron-clad rules, often inconveniences himself to accommodate lawyers and litigants, and as a result there is no friction in his court and it is rare that an acrimonious word is spoken. To this unusual personal fitness for judicial work, he has brought a thorough study of the law and is especially familiar with the statutes and decisions of his own State.

It is needless to say that such qualifications make Judge Slover most popular with the legal profession. He has been twice solicited by the entire bar of the county, irrespective of party, to make successive races for the Judgeship, and should he desire to

remain longer in his present position, no doubt he will be again chosen in 1898 practically without opposition. His life work, so far, may be summed up in saying that he has bravely, conscientiously and efficiently discharged every duty that has devolved on him and has earned the love and esteem of his family and friends and the confidence and gratitude of his fellow-citizens. Such men live as benefactors, and dying, leave behind them cherished memories.

JACKSON LEONIDAS SMITH,

KANSAS CITY.

JUDGE JACKSON LEONIDAS SMITH is a native Missourian. He was born in Callaway County, the "Kingdom" which has produced so many sons of merit and ability. He is the son of Richard and Eliza (Waggoner) Smith, and January 29, 1837, was the date on which he first saw the light of day. He was educated in the Masonic College at Lexington, Missouri, and at the University of Missouri at Columbia. When his course was completed in the latter, he returned to his home and shortly afterward began the study of law at Jefferson City, within sight of the place of his birth. He had an excellent preceptor in the person of Gen. M. M. Parsons who, when the war broke out, joined the Confederate Army and rose to the rank of Brigadier-General. The young legal aspirant, after studying in his office, was regularly admitted to the bar by the Supreme Court at the State Capital, September, 1861.

He had, while yet a student, determined to make Jefferson City his regular abiding place, and therefore he opened an office there as soon as equipped with the necessary membership at the bar. He soon impressed the people of Cole and Callaway Counties, as well as prominent men from every part of the State, who by reason of Jefferson City being the State Capital, naturally centered there, not only that he was a young man of marked strength of character and broad understanding, but that he was one eminently endowed with the elements on which are builded eminence and success in the law. The firm of Ewing & Smith was long known as one of the ablest and most successful in the State. In 1876, Judge Smith was made the nominee of the Democratic party for Attorney General, and was elected by a large majority. As the then recently adopted Constitution presented many problems of difficulty, his duties were unusually onerous and responsible. His administration of the office was distinguished by the highest honesty and ability. On the expiration of his term, in 1881, he resumed the practice of law, continuing until 1888, when he was elected one of the Judges of the Kansas City Court of Appeals, and became its Presiding Judge. This is an honor that is only second to an election to the bench of the Supreme Court. The acceptance of this office necessitated his removal to Kansas City, where he has since resided and where he has assumed the regular functions of a citizen and a voter, although he still holds his beautiful homestead in Jefferson City and owns other property there. He was re-elected in 1892, for a full term of twelve years, by the largest majority ever recorded in that judicial division.

Judge Smith is a gentleman of public spirit and has served the people in other capacities besides those named. He was for eight years one of the Fish Commissioners of the State and for four years acted as manager of the State Lunatic Asylum at Fulton.

He married Miss Fanny Chappell, of Callaway County. Her people were from Virginia, and have long been prominent in every vocation of life. Judge and Mrs. Smith have one son, Clay Ewing Smith, aged thirty-one, now prosperously embarked in the wholesale drug trade.

OLIVER MARTIN SPENCER,

SAINT JOSEPH.

ALTHOUGH few lawyers whose names appear in this book are more deserving of the good things that might be said of him, there is none to whom aught in the way of eulogy would be more displeasing than Judge O. M. Spencer, of St. Joseph, and therefore the writer, who has known him long and well, while sensible that he looks upon him with an eye of favor and friendliness, will attempt to estimate him as fairly as may be.

Judge Spencer comes from one of those prominent pioneer families of the West who have left such worthy examples and honorable names to their posterity. He was born on the old Spencer homestead, in Crawford Township, Buchanan County, Missouri, August 23, 1850. His father, Obadiah M. Spencer, was a native of North Carolina; his mother, Nancy Williams Spencer, a native of Kentucky. His parents came to Missouri in 1837.

It was Judge Spencer's good fortune to see much of life and men when he was a boy. His father, who was one of the leading citizens of the Platte Purchase, resided near the line of Platte County, in the "hot-bed" of Southern sympathizers. "Tom," as he was nicknamed, and his four brothers were one day in the company of the rebels, commonly called "bushwhackers," and the next with the Union troops. The boys inclined toward the cause of the South, but their father determined that his sons should neither fight to destroy the Union or oppose those with whom he sympathized, and accordingly sent the older boys across the Plains to Denver with a wagon train of freight. "Tom," being too young, remained at home to do active field work—that is, in the corn field. Too young to excite the partisan animosity and suspicion of the contending adherents of North and South, he was still old enough and shrewd enough to appreciate the constant danger that menaced his parents, and with the ubiquity of boyhood he assisted in no small degree in the efforts of his parents to preserve their lives and property from the ravages of war.

An incident occurred in 1865, that determined the career of young Spencer. The pedagogue who was teaching his "young ideas how to shoot" concluded one day that his pupil would have to be disciplined on account of a fight he had engaged in with Zeke Whittington at the Spencer school house, in Buchanan County. The youngster, however, differed with his instructor about the necessity for such a proceeding, and while the teacher went after the switch with which to bestow the chastisement, "Tom" tackled Zeke another round or two and then took French leave, and when the teacher returned he had to be satisfied with whipping Zeke. The next morning his father sent him to the Raffington School at St. Joseph, where he remained for a year and made rapid progress in his studies. He has often said that he owes his present vocation in life to Zeke Whittington, whom for many years he has counted as one of his best friends.

After the ending of the school year, young Spencer returned to his father's farm, and after another twelvemonth spent amidst its natural surroundings, went again to St. Joseph, this time to become a student of the high school. This was in 1868, and during the fol-

lowing year he entered the State University at Columbia, Missouri. In 1871 he became a student at the Christian University at Canton, Missouri, from which he was graduated with one of the honors of the institution in 1873. Subsequently he read law at Leavenworth, residing with his parents, who had in the meantime removed to Kickapoo, Kansas, six miles north of Leavenworth. To reach the office, he was in the habit of riding to the city each morning on horseback and returning home in the evening. In 1874 he entered the law school at Harvard. The following year he opened an office for the practice of his profession at St. Joseph.

Like nearly every Missouri lawyer who has made his mark on his time, Judge Spencer passed through the school of the Prosecuting Attorneyship. The experience therein gained is generally of immediate pecuniary value, as it serves to bring him before the people from whom his clients must come, and gives him many opportunities to measure his ability against the experience and skill of his older professional brethren. It is likewise useful in giving the young professional a knowledge of the criminal law, which is not without its value though he practices afterward wholly in the civil branch. Young Spencer was elected and began his term as Prosecuting Attorney of Buchanan County in 1880, serving the full two years term. During this time he was a member of the legal firm consisting of Willard P. Hall, Jr., and himself, which was known as Spencer & Hall.

A decade of practice had won the favorable opinion of the people of the populous county of Buchanan. It is therefore no surprise to learn that the people acquiesced in the action of representatives of the Democratic party, when in 1886, they nominated Mr. Spencer for Circuit Judge. It is a fact of special significance and which speaks eloquently of the favor with which he was viewed, that the Republican lawyers of the circuit joined in the call and refused to nominate a candidate against him, a compliment as certainly without political bias as the estimate of his character and fitness, from such a source, was reliable and worthy of consideration. Judge Spencer's term on the bench was characterized by capability and impartiality. He did not occupy the bench the full term, however, as at the end of four years he resigned to accept the position of General Solicitor of the Burlington Railroad system in Missouri, and he still occupies that place. He was, at one time, a member of the firm of Spencer, Burnes & Mosman, recognized as one of the strong legal combinations of the State. As to the personalities and facts applying to either Mr. Burnes or Mr. Mosman, the reader may learn by reference to their biographical sketches in this book.

Judge Spencer was married in 1875 to Miss Lillian, daughter of Joseph Tootle and a niece of the late Milton Tootle, during his life one of the wealthiest merchants of St. Joseph. Her mother was a sister of James McCord. Mrs. Spencer was a lady of rare accomplishments, but died in 1880, at the age of twenty-four years, when her youngest child was only twelve months old. Two bright boys were born to Judge and Mrs. Spencer: Harry Heddens, born July 20, 1877, and Edwin O. M., born July 4, 1879. On March 5, 1895, Judge Spencer was married to Miss Katherine Turner, of Columbia, Missouri, a daughter of Col. and Mrs. S. Turner. They have a fine baby boy, whom they have named Tom.

The physical proportions of Judge Spencer conform to his vigorous mentality and strong character. He is six feet tall, weighs 200 pounds, and the equities are well preserved in his figure.

During his career he has been a close observer of men and events, and the practical knowledge they have taught, he has applied with skill to the practice of the law.



O M Spencer

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It is perhaps as counselor that his legal ability has found its best expression. In no sense obstinate, he is, nevertheless, a man of inflexible determination. He is too honest in his intercourse with men to deceive, too strong to employ cunning to carry his point. His candor, frankness, decisiveness, frequently win where methods of dissimulation and indirection would fail utterly.

He is thoroughly practical in all things, is a person of versatility, as is demonstrated by the position he occupies as the General Solicitor of the Burlington Railroad system in Missouri. The tact, discernment, sagacity and good judgment with which Judge Spencer has filled this office is the highest evidence of his capacity. One in such a place must be a reader of men and the motives that move them. His success in life is beyond doubt largely due to his proficiency in this art. Bluff and hearty in manner, his sincerity invites and secures belief in the honesty of his purpose. He is a man of heart and feeling, and generous of mind as well as of material. His charity has in it none of that ostentatious display that some people affect, but it is real if unpretentious, and is applied where it will do the most good. It may be said of him, in conclusion, that he believes in the humanities, loves the good things of life, strives to do good and is a gentleman of taste, discrimination and talent.

JAMES LEACHMAN STEPHENS,

COLUMBIA.

THERE seems to be something in the soil and scenery of Boone County which is congenial to the exercise of the law as a profession. That is to say, the lawyers of Boone County, from the earliest day, have always been remarkable for their ability and brilliancy. One of the most promising of the younger lawyers of that imperial county, is James Leachman Stephens, who was born in Boone County, on a farm in the vicinity of Columbia, on May 6, 1860. Perhaps the most notable name in the ancestry of Mr. Stephens, was the Rev. Peyton Stephens, a Kentuckian, the uncle of his father, who was noted as the pioneer Baptist minister of Central Missouri. The father of James L. Stephens is James Harvey Stephens, a physician who is a native of Kentucky, and came of Scotch-Irish and English parentage. He married Margaret Vanlandingham, the mother of our subject, in Boone County, Missouri, in 1855. She was born in that county, and was the daughter of James Vanlandingham, who, like his son-in-law, was also a native of Kentucky. Four children were born to them, two girls and two boys, the subject of this sketch, James L., being the second.

After a full rudimentary training in the public school at Centralia, in Boone County, this subject entered the State Normal School, at Kirksville, which he attended during the sessions of 1881, 1882 and 1883. Then he became a student at the University of Missouri, in Columbia, where he rapidly rose in the law class, from which he graduated in 1887. In the same year he was admitted to the bar at Columbia by Judge George H. Burckhartt, and immediately began the practice of law, his legal work being divided between the neighboring towns of Columbia and Centralia, in both of which he still practices.

In 1892 his fellow-citizens elected him Prosecuting Attorney of Boone County for two years, and he was re-elected to that position in 1894. This was an emphatic indorsement of his ability and worth by those best acquainted with him as a man and a lawyer.

It is as a criminal practitioner that Mr. Stephens excels, he enjoying the renown of having been connected with some of the most noted cases that have come up for trial in the courts of Central Missouri during the past decade. As a prosecutor of criminals he has vastly benefited the law-abiding element in his section of the State, and has done much to make it the model community that it is. A singular coincidence in his career was his recent prosecution of a man for misdemeanor in the house where he (Mr. Stephens) was born, and which is now occupied by a Justice of the Peace.

That he studies the law daily as a lesson, which must be always conned, is doubtless a main reason for the triumphs he has achieved, for he always makes it a point to comprehend entirely every feature of a case he conducts before a word is uttered in front of Judge and jury. He plans the campaign of a trial, so to speak, with all the foresight and acumen of an astute military commander, and is seldom caught unawares by his adversary during the intricate evolutions of the prosecution and defense. One advantage he possesses is a fine presence, and a manner which naturally interests. He is rated as one of the gifted speakers of Boone County, though he has many rivals in that field, for this county is famous for its eloquent and accomplished lawyers.

In a case recently tried in Columbia, the Missouri Statesman, a newspaper, said of him: "The argument of J. L. Stephens, attorney for the defense in the case of the State of Missouri versus R. L. Roberts, for the killing of John Tate, for oratory, eloquence, logic and force, stands unsurpassed by any made in the court house for several years. Stephens has firmly established an enviable reputation as a lawyer and advocate of superior ability and power."

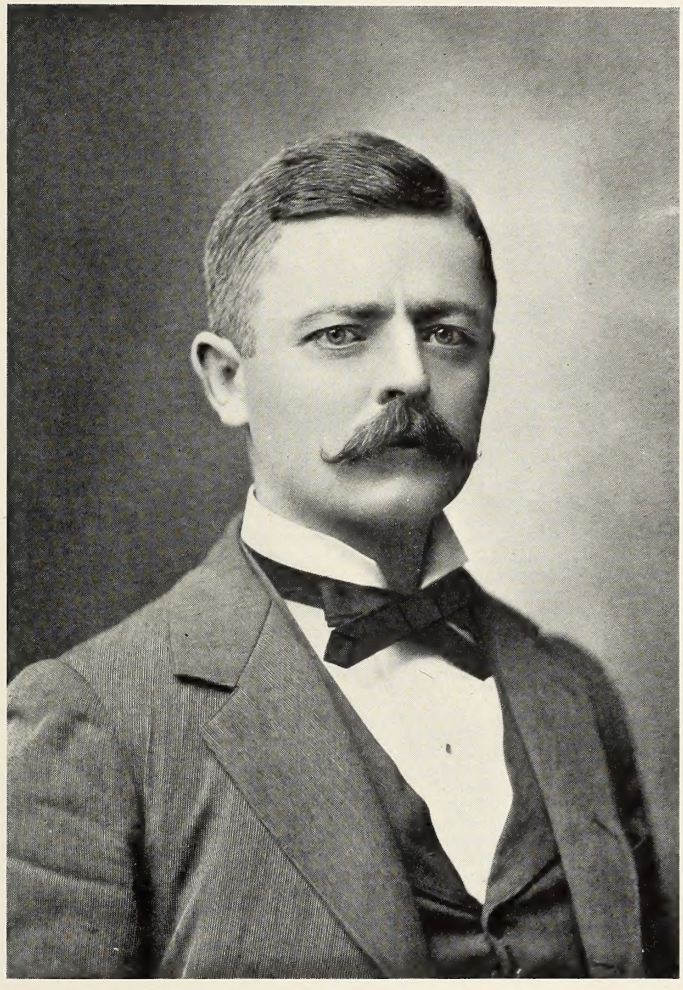
Mr. Stephens is a Democrat of the most energetic kind, and has always taken the most active and earnest interest in politics. His voice is heard most frequently, however, in matters pertaining to judicial conventions. He is a Knight of Pythias, and a working member of that popular organization.

The marriage of Mr. Stephens occurred January 22, 1890, at Centralia, the young lady he chose for his wife being Miss Mamie M. Gove, the daughter of George Gove, a native of Germany. Four bright children have blessed this union. They are: George Belle, whose age is seven years; Mary, aged five years; Ruth, aged three years, and Frank Leachman, the baby of the house, who is a little over two years old.

JOHN C. STORM,

KIRKSVILLE.

PERHAPS few residents of that beautiful Missouri city and seat of learning, Kirksville, know a young professional man in whose future they have greater confidence than in that of John C. Storm. Although he is not old in years or experience, he has given warrant of his title to success without such advantages, a fact that is a guarantee of his natural gifts and that he has earned his present place and will merit a higher yet. Years may bring riches and time may bring success to him endowed with few other qualities than the patience merely to wait; it is only the man with energy and unquestioned natural powers who has the strength to forestall time and the ability to earn fortune's favor on his merits. Of the latter class unquestionably is John C. Storm, one of the rising young law-



J. B. Storm.

yers of that highly civilized section of Missouri of which Adair County is the center and Kirksville the chief town.

Mr. Storm was born March 6, 1866, near the town of Webster, in Massachusetts. Of his family he has kept no extended record, and although New England born, is of German origin, the greater part of his connection still living in Europe. All the members of the isolated or American branches of both families, excepting Mr. Storm's mother and her children, yet live in New England, where the first comers to this country settled. Of these last named, were his father, John Storm, who died at Kirksville in 1895, and his mother, Frances Tandler, who yet lives in the town where her son practices law. The latter's father was a man of influence in the "Old Country," and for many years was Burgomaster of his native German city. In 1867, when the son was less than a year old, the family moved to Missouri, settling first at Queen City, and then at the little town of Glenwood, in Schuyler County.

Mr. Storm's education began at the town last named, whence the family moved to Kirksville. After a number of years' residence in Schuyler County, he was far enough advanced in his studies to enter the academic department of the State University. Besides the time spent at Columbia, he also took the prescribed courses in a commercial college, but afterward abandoned his idea of entering the field of business, and determining instead to adopt the law, quitted the University and went to Kirksville, convinced that he could pursue his law studies as well there as at the college. He entered the office of Judge Andrew Ellison, a noted and able jurist of North Missouri. In 1892 the young student was admitted to practice in the court of his preceptor at Kirksville, and has been a member of that bar ever since.

Mr. Storm is studious and an industrious worker, and if it be true, which a genius has himself said, that "genius is simply an ability for hard work," this young practitioner will surely some day come into his reward in the success that springs from industry and a tenacity that never relaxes. His future is still before him and it is believed he will meet the sanguine expectation of his friends.

In 1893 Mr. Storm was elected City Attorney of Kirksville, serving as such until 1895, and discharging the duties of the office with fidelity. In 1896 was elected Prosecuting Attorney of Adair County. He has given the town's development more than his moral support, as is shown by his connection with several enterprises, among them the city's telephone system, of which he is half owner. Politically, he has always given adherence to the Republican party. Since 1892 he has been a Knight of Pythias and is a Knight Templar and a Shriner. He is unmarried.

ABNER LLEWELLYN THOMAS,

CARTHAGE.

ONE of the best known and most popular citizens of that rich section known as Southwest Missouri, and one who has long been closely identified with its development, and is among its most successful barristers, is Abner Llewellyn Thomas, of Carthage. Mr. Thomas is of pure Welsh blood, and has all the indomitable persistency and sturdy independence of the ancient Britons, who retreated to the mountains of Wales when overwhelmed by the superior hordes of invading Saxons, Jutes and Angles. His father, Thomas

Thomas, and his mother, who was Elizabeth Tanner, were both born and reared in Glanmorgan, Wales, were there wedded and thence emigrated to America, settling in Grant County, Wisconsin. It was in 1828 that such settlement was made, a time when there was little of Wisconsin that was not as it was when it came from the hand of the Creator. The country was infested with savages and lay on the outermost frontier. The father, Thomas Thomas, was a farmer as a matter of course, as agriculture and hunting and trapping were the only avocations possible in Wisconsin in that early day. When the Black Hawk Indians rose against the white settlers of Illinois and Wisconsin, he was one of those who assisted in their subjugation. Thomas Thomas was the only son of Thomas Thomas, who followed his pioneer son to America twenty years after he left Wales, and lived and died in Wisconsin.

On the farm in Grant County, Wisconsin, near the town of Montford, the subject of our sketch was born, October 9, 1844. He spent his youth among the simple, natural conditions of the frontier, hunting, fishing and making himself thoroughly familiar with Nature and Nature's ways, when he was not working on the farm or attending the distant district school. This school was like all those of the primitive settlements of America, and there the boy received the rudiments of an education. But he did not stop at the common school as did so many farmers' sons of that day. He was ambitious and through his own persistent efforts largely, he was later enabled to enter the Plattsville Academy, at Plattsville, Grant County. From there he went to Madison, the State Capital, and entered the State University, where he had for school-mates a number of boys who afterward became distinguished for their brilliancy and ability, among them, Senator Vilas, Senator Spooner and Judge James L. High, noted as a legal writer and the author of many important law treatises.

Young Thomas had almost realized his desire of a finished collegiate training when the great Civil War, like a dark storm cloud, settled over the land. The student recognized that in such a moment his country's interests were paramount to any question affecting his own educational advancement, and he therefore abandoned his books and enlisted in the Seventh Wisconsin Volunteers. He served, however, but a short time, as he fell sick and on this account was discharged. As soon as he regained his health in some measure, he again enlisted, and although he was but seventeen, he enthusiastically set about the work of organizing a company. The company was known as Company E, and became a part of the Forty-first Wisconsin Volunteers. Having proved his ability as an organizer, it followed that he should have been given an opportunity to prove his capacity as a leader, but in his case the rewards of this kind which generally fell to those who organized companies for military service in the late war, were denied him on account of his youth, which "of all delinquencies is the least censurable, as time constantly amends it." In this instance the 106 men of the company, notwithstanding he was but seventeen, had unanimously elected him their Captain, but Gov. James T. Lewis thought him too young and therefore refused him a commission. On the Governor's suggestion he was elected Second Lieutenant and served until the end of the struggle.

After the declaration of peace the young soldier returned to Madison, Wisconsin, and there began the labor of preparing himself for the bar. He studied in the office of John W. Johnson until the death of that gentleman and then completed his readings in the office of Hon. E. W. Keyes, who was for many years Chairman of the Republican State Committee. The young aspirant was admitted to practice by Judge Asa Stewart, in 1868, a time



A L Thomas

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when Wisconsin's bar was graced by many distinguished men, and was the strongest bar of any Western State. He was afterward admitted to practice before the Supreme Court of Wisconsin, and in the year following his admission to general practice, he came to Carthage, and since 1869, about thirty years, has been actively and constantly engaged in practice there.

His career in Southwest Missouri is one of which any lawyer might feel proud, and he enjoys to-day not only a widely extended reputation as an able and skillful lawyer, but a competency as well. As a citizen he is esteemed no less than he is admired as a lawyer and the appreciation of his fellow-citizens has been shown in divers honors accorded in the years he has been among them.

Personally, he is endowed with a fine presence and in his demeanor and consideration for others he discloses the fact that he is a natural gentleman. He is largely endowed with the gift of oratory and his language is clear, concise and vigorous, abounding in a logic that is convincing. In an appeal to a jury he depends on reason rather than sentiment, and while he is able to so link facts together as to make a well-nigh unbreakable chain of argument, he can, at the same time, use the more epicene elements of imagery, metaphor, pathos and sentiment with great skill when occasion requires. He has always been strictly a lawyer and is wedded to his profession, and although he has an abiding interest in all public affairs, he has permitted his concern therein in nowise to affect his fidelity to the law. At this day he has reached the level of a remunerative and excellent practice, and there are few cases of first importance in that section in which his firm does not appear on one side or the other. This firm, the style of which is Thomas & Hackney, managed the fight, one of the longest and most bitter in the annals of the courts of the Southwest, which finally resulted in the construction of two court houses in Jasper County, one at Joplin and the other at Carthage.

Up to 1870 Mr. Thomas was a Republican in politics. Like most of the men who really fought in their country's behalf, he became, after Appomattox, a strong advocate of peace. Therefore, he vigorously favored the enfranchisement of the men of the South and thus became identified with the Liberal-Republican movement which elected B. Gratz Brown Governor of Missouri in 1870. Since that time he has been a strong and consistent Democrat. In May, 1871, Governor Brown appointed him Circuit Attorney for the Fifteenth Judicial Circuit, comprised of six counties in Southwestern Missouri, in which position he served until the Legislature abolished the office of Circuit Attorney and established that of Prosecuting Attorney in its stead. It is a notable fact that at one time while he held this position, there were seventy-two prisoners in the Missouri penitentiary, placed there by his work as prosecutor for the State, and which is a record that is in a measure illustrative both of his official zeal and high ability. On the abolition of his office as Circuit Attorney, Mr. Thomas was nominated by the Democrats for the new office of Prosecuting Attorney, and it is a most creditable illustration of his popularity that he was elected by a handsome majority against an adverse Republican majority in Jasper County of over 1,200. In 1884 Mr. Thomas consented to accept the Democratic nomination for Congress in what is now the Fifteenth District, simply that the party might make a showing, as he knew he led a forlorn hope, the district being at that time overwhelmingly Republican.

Mr. Thomas was married at Carthage, August 7, 1875, to Miss Laura Franklin, daughter of Nelson Franklin, a leading citizen of Carthage. Mr. Franklin was a native

of Virginia, but for many years lived in Ohio, where he bore a leading part in public affairs. For a number of terms he was a State Senator, representing Pickaway County in the Upper House of the Ohio Legislature. Mr. and Mrs. Thomas have but one child, a daughter, named Martha.

BERRY GREEN THURMAN,

LAMAR.

A LAWYER of high ideals and worthy ambitions, who has the ability to achieve many honors in the field of the law and as a publicist, is Hon. Berry Green Thurman, of Lamar. Both as a lawyer and as an official in public place, he has made a reputation of which any man might be pardonably proud. As a lawyer he is a tireless worker, is endowed with great firmness of purpose, alertness and clear insight into a proposition, which makes him a formidable advocate and qualifies him also for the office of the counselor. He is gifted with that which is indispensable to the highest success in any walk of life — a fine natural intelligence, which in his case has been rounded out and perfected by the education that comes from the schools, from experience, and from extensive reading. He is likewise endowed with the decisiveness of character, the dominant will-power and the enthusiasm which make him a natural leader of men.

Mr. Thurman is a native Missourian. He was born in Miller County, of this State, June 25, 1851, and is the son of John Blythe Thurman and Jane Thurman. John B. Thurman was a farmer and was born in Warren County, Kentucky. The Thurmans are of old Virginian stock, the grandfather of our subject having been a native of Lynchburg, that State. Mr. Thurman's mother was an Allee, a family very numerous and prominent in Moniteau County, Missouri, where Mrs. Jane Thurman was born. In fact, a very large proportion of the people of that county are related to her by blood or marriage.

When Berry G. was a young boy, his parents removed from Miller to the adjoining county of Morgan, and in the common schools of the latter he received the elements of an education. At school he soon showed his mettle, and the books he studied awakened within him a strong thirst for further knowledge — a desire that finally led him to the accomplishment of his purpose to enter the State University at Columbia. He became a student in the academic department in 1872 and matriculated in the law department, where he graduated in the class of 1873; the first law class, by the way, turned out by the State University. Prior to this, however, he had studied law in the office and under the tutelage of Judge DeArmond, then of Greenfield, Dade County, but now of Butler, Bates County, and at this time one of the brilliant members of the Missouri delegation in Congress. The inquirer may find further facts respecting the Judge on page 463.

After graduating Mr. Thurman was admitted to the bar in May, 1873, by the Circuit Court of Barton County, where he now lives. Having read law in the office of Judge DeArmond while at Greenfield, he selected Greenfield, the county seat of Dade, which adjoins Barton on the east, as his location to practice law. That he quickly made a most favorable impression on the people of his new home, is pointedly demonstrated by his election as Prosecuting Attorney of Dade County in the fall of 1874. Elected in 1874 he served until 1876, and then, after the lapse of one term, was again elected in 1878, serving until 1880. His election was a most forcible testimonial to the high appreciation that people entertained for him. He was elected the first time by a majority of 129, the second

time by 249, neither of which by itself considered is large, but its meaning is emphasized when the fact is stated that Dade at that time being a very sparsely settled county, cast but 1,500 votes, and its importance is still further enhanced when it is understood that the county was Republican by the overwhelming majority of 300, and that Mr. Thurman was the first Democrat elected to the office in that county since the war, and until 1896 was the only Democrat who ever held the office. It will thus be seen that this popularity was sufficient to bring almost half the voters of the party to which he was opposed to his support. After the completion of his last term of office he removed, in December, 1880, to Lamar, Barton County, where he associated himself with A. J. Wray, a partnership that still continues.

He had earned reputation while still at Greenfield, and practicing in the surrounding counties, often appearing in court at Lamar, and therefore an acquaintance was already established in Barton County. In 1888 he was elected to the Senate to represent the Twenty-eighth Senatorial District, to fill the unexpired term of Hon. S. H. Claycomb, who had been elected Lieutenant-Governor. He took a leading part in all the work and debates of the Senate, and proved himself in every respect the peer of the ablest men of that body. During his incumbency he served as Chairman of the Committee on Mines and Mining, and was a member of the Judiciary, the Insurance and the Revision Committees, the latter a very important special committee, having charge of the revision and annotation of the Statutes of 1889.

He is a member of the Masonic fraternity and is a Knight Templar. He is also an Odd Fellow. As has been stated, he is a Democrat—one of the kind with deep convictions. He is a favorite with his party in the State and stands as one likely to receive signal favor at its hands.

Mr. Thurman was married September 12, 1879, to Lula Clark, at Greenfield. She was the daughter of Captain S. S. Clark, an old and prominent citizen of Greenfield. The couple have two children: Harry Clark, now a student at Missouri University, and Bessie, at home with her parents.

JOHN C. TRIGG,

JOPLIN.

MISSOURI is indebted much to Virginia for the ancestry of those of her sons who follow the law. The parents of John C. Trigg, the subject of this memoir, were native Virginians, and his father's father was also a son of the Old Dominion. Mr. Trigg is the son of John A. Trigg and Rebecca Bingham. The father was a licensed lawyer, but abandoned legal practice for legal politics, so to speak, being elected, in 1838, to the responsible offices of Clerk of the Circuit and County Court and Recorder of Saline County, Missouri. These positions he held with honor for twelve years. In 1849 he was one of the Argonauts who went in quest of gold to California, returning to Missouri in 1851. In 1856 farm life caught his fancy, and he engaged in agriculture in Cooper County until 1871. Returning then to Saline County, he was elected to the office of Circuit Clerk.

John C. Trigg was born on April 15, 1843, in Marshall, Saline County, Missouri. After a practical education in the common schools of Saline, Cooper and Pettis Counties, he studied law with the firm of Muir & Draffen, at Boonville, Missouri, during the years

1862, 1863 and 1864. He was admitted to practice by the Circuit Court of Cooper County in 1865.

Perceiving a wider field for the development of his untried talents in Marshall, he removed from Boonville in the spring of 1866. After a notable career in Marshall he located at Salisbury, in Chariton County. We next hear of him in Neosho, whither he went in April, 1871. In May, 1873, he left Neosho and took up a permanent abode at Joplin, the Queen City of the Southwest. During his various removals and sojournings he never abandoned the profession of his choice, but has grown to love it and adorn it more and more through all these years of change. The old adage that "a rolling stone gathers no moss," does not hold good in the case of Mr. Trigg, for in his travels and changes he gathered a wealth of experience that is standing him in good stead to-day. As City Attorney of Joplin in 1875, 1876, 1878, 1891, 1892, 1893 and 1894, he acquitted himself with ability. He was elected to the position twice on the Democratic ticket and at all other times on the Citizens' ticket, in a free-for-all race. Like his father, the only political positions he has ever held have been in connection with the law.

Mr. Trigg has been a member of the Independent Order of Odd Fellows and an active and earnest worker in the ranks of the Ancient Order of United Workmen. He is a leading member of the Commercial Club of the City of Joplin, having been President of the organization from December, 1895, to December, 1896. He is a Democrat of the most progressive kind, but has held no political position except that of City Attorney.

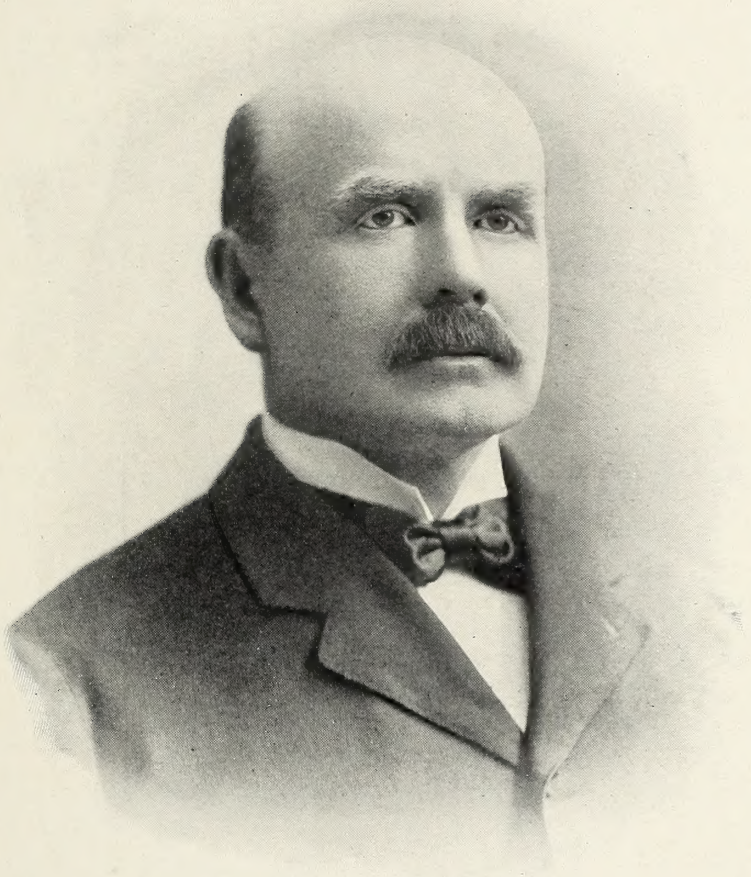
In his marriage he was particularly happy, taking for his wife Miss Marian Wallace Finley, the charming daughter of Walker H. Finley, one of the foremost farmers of Saline County. The marriage took place October 15, 1867, in Saline County. Their union has been blessed with two fine children, Walker B. and Emma Blanche.

JOHN McDOWELL TRIMBLE,

KANSAS CITY.

NO lawyer in the State has made a greater advance in his profession in recent years than John McDowell Trimble, of Kansas City. In a decade he may be said to have risen from a position where only the residents of the circuit on which he practiced knew of his merit, to a place among the best known of his profession and where he enjoys a reputation that is State-wide.

John McDowell Trimble, recently candidate for Governor on the "Gold" Democratic ticket, and at this time President of the Kansas City Bar Association, is a native of Virginia and was born at Brownsburg, Rockbridge County, February 24, 1851. His father, William W. Trimble, was a man of education, was a Presbyterian minister, and his quality as a speaker was one of his characteristics transmitted to the son. The mother of the latter, before her marriage to Rev. William W. Trimble, was Jane Minor McDowell, who was of a family known to all who are acquainted with the history of the Old Dominion, as one of the oldest and best in the State. John McDowell Trimble was sixteen years old when his father's family, in 1867, came west and settled in Monroe County, Missouri. In the year following he became a member of the sophomore class at Westminster College, Fulton, Missouri, being qualified to enter college by having attended Brownsburg Academy in his native place, after he had completed his rudimentary educa-



J. McD. Trimble

tion. He was graduated from Westminster, in the collegiate department, in June, 1871, with the degree of Bachelor of Arts. It may be noted here that Mr. Trimble had as fellow-students at this college, a number of young men who have since become prominent professionally—among others, William H. Wallace, one of the great trial lawyers of Kansas City, and H. S. Priest, an able lawyer of St. Louis.

Though possessing a good education, our subject was so situated as to be thrown wholly on his own resources on leaving college. The world and the future were before him, and he realized that they would be what he made them. He settled on the law as a vocation and taught school to obtain means whereby he might be instructed in its mysteries. For two years he was a teacher in Callaway County schools, and during one term was principal of an academy at Memphis, Missouri; but he kept the great object of his life continually before him during those years, and in his spare hours made himself intimately acquainted with such legal classics as Blackstone's "Commentaries," Kent's "Commentaries," Greenleaf's "Evidence" and "Parsons on Contracts."

If any young aspirant ever served a full and complete apprenticeship at the law it was John McDowell Trimble. On the 17th day of March, 1874, he entered the office of the late Hon. George B. Macfarlane* at Mexico, Missouri. He was Judge Macfarlane's janitor, amanuensis, clerk and pupil, but he used his time to good advantage, and in June, 1874, was admitted to practice at Mexico by Judge Gilchrist Porter, but still continued to office with Judge Macfarlane as his assistant. In April, 1876, the young lawyer was elected City Attorney of Mexico, the salary of which position amounted to the splendid (?) sum of twenty dollars per month. In 1877 he was elected for another term. Judge Macfarlane, then the leading practitioner of the Mexico bar, had had ample opportunity to judge of the young man's capacity, and as a result of conclusions reached on that point, offered him a partnership, which was accepted, and the firm of Macfarlane & Trimble soon did a highly profitable business.

In 1878 the junior partner was elected Prosecuting Attorney of Audrain County, and the record he made as such raised him greatly in the respect of the people of that county. The county had been terrorized with crime, and because of lax administration of the law, or for some other reason, the cause of good order suffered. On his induction into office, eleven culprits, charged with murder, confronted him in the jail. He went to work on

*Judge George B. MacFarlane died at St. Luke's Hospital, in St. Louis, on the morning of the 12th day of February, 1898. Suffering from appendicitis, an operation was performed the day before his death. The patient seemed to have a premonition of death, as he requested that he be buried at Mexico and that his body be placed, for one day, in the Presbyterian Church there, in order that all his old friends might see him for the last time. To Mr. Trimble, to whom he was devotedly attached, and who went from Kansas City to St. Louis when he heard his old friend was ill, he is reported to have said just as Mr. Trimble entered his room a few hours before his death—"Close the docket, Mac. This is the last." Judge Macfarlane's death touched the public heart deeply.

Judge Gantt, who was his associate during his seven years' occupancy of the Supreme Bench, when he heard of his death, referred to him in the following terms: "The loss of Judge Macfarlane from the Supreme Court at this time is a calamity to the State. With his calm, judicial temperament, his unyielding integrity, his painstaking industry, conjoined to his learning and experience at the bar, and his seven years' service on the bench, he was fully equipped for the position. He commanded the respect of the bench and bar alike, and his work will live after him and stamp him among the ablest Judges that have graced the court. His uniform courtesy endeared him to every member of the court. My own relations with him were of the closest and most pleasing nature. Our duty brought us into the closest contact, officially and personally, and, reviewing it now, I can recall no word or sentiment of his during all that time that could bring a tinge of shame to a member of his family or his friends, and which was not honorable to his manhood. He was instinctively a gentleman. He shunned all display and despised shams of every kind. He had a quaint Scotch wit that sparkled in the unreserved intercourse with those he trusted. Missouri has, indeed, lost a representative citizen—one who was to the manner born, and who had no higher ambition than to serve her faithfully. In all the relations of life, son, husband, brother, father and friend, he met and fully filled every requirement. His piety was as deep and sincere as it was unostentatious. We shall, indeed, miss him, but his memory will ever carry with it a sweet fragrance."

On February 22, 1898, Governor Stephens appointed William C. Marshall, of St. Louis, to fill the vacancy on the Supreme Bench caused by Judge Macfarlane's death. Judge Marshall was, at the time of his appointment, City Counselor of St. Louis.

A sketch of Judge Macfarlane will be found on page 261 of this volume, and one of Judge Marshall on page 266. These events occurred after both sketches were printed and while the book was going through the press.

these cases, and in due process convicted four of this number of murder in the first degree. One of the four took a change of venue and was acquitted; the other three were hanged. Of the seven remaining prisoners, one was acquitted and six convicted of murder in the second degree and sent to the penitentiary. In these and other trials during his first term as Prosecutor, he made his reputation. He was pitted against the ablest lawyers that could be procured by the defendants, but this, far from causing the young man to despair, fired his ardor and nerved him to his best. With such conscientious zeal did he discharge his duties that before his first term was ended, the criminal element was convinced that Audrain County was no place for it. Of course, in 1880, he was elected to a second term, and could have had a third term, but owing to the growing volume of the firm's business, he declined to accept a nomination.

In 1887 the firm of Macfarlane & Trimble was dissolved and the latter removed to Kansas City, where he associated himself in practice with Judge Charles L. Dobson and Judge Sherman C. Douglass. In 1889 Judge Douglass withdrew from the firm of Dobson, Douglass & Trimble, and in 1891, Mr. Trimble left it to enter into partnership with Charles A. Braley, the firm of Trimble & Braley still existing.

Mr. Trimble's list of clients is both extensive and remunerative. He is well versed in the laws bearing on railroads, and since their projection has been the legal adviser of the companies building the Kansas City Suburban Belt Railroad, the Kansas City, Pittsburg & Gulf Railroad and the Kansas City & Northern Connecting Railway. He also conducted the reorganization and rehabilitation of the line now known as the Omaha, Kansas City & Eastern Railroad.

In the political conflict precipitated over financial issues in 1896, Mr. Trimble took a most conspicuous part. Although a life-long Democrat, he was one of the initial advocates, in this State, of a gold standard. He therefore separated from his party, and was one of the most active factors in the organization of the party which supported Palmer and Buckner. By that party he was nominated for Governor, and although the acceptance of the nomination involved great personal sacrifices on his part, he willingly led the ticket and made a canvass that was remarkable for its vigor and educational influences.

In 1890 Mr. Trimble was married to Mrs. Alice L. Strawbridge, of Kansas City, a most genial and cultured lady.

Mr. Trimble's most conspicuous characteristic is his intense personality. He is *sui generis*. He has great mental profundity and a most comprehensive view of life. He is noted for his fraternal spirit among his brethren of the law, and actively strives to maintain the *esprit de corps* of his profession. He was elected President of the Kansas City Bar Association in October, 1897.

THOMAS ERSKINE TURNEY,

CAMERON.

ON the 28th day of February, 1831, Thomas Erskine Turney was born, this event occurring in Bourbon County, Kentucky. His father was Morgan Turney and his mother Tryphosa Turney, nee Birch. Morgan Turney was a native of Kentucky, being a farmer, and his wife was the daughter of Rev. Thomas Erskine Birch, an Episcopal minister. He was in charge of various congregations in Kentucky and Virginia for many

years. The Turneys came from Virginia to Kentucky as pioneers. Mr. Turney's grandfather, Daniel Turney, was one of Morgan's riflemen in the Revolutionary War. The family was in America long before the Revolution, the grandfather of Mr. Turney being of the third generation of the American Turneys.

The subject of this memoir was educated in Illinois, his father moving there when he was six years of age. When twenty-one he removed to Plattsburg, Missouri, and studied law with Charles C. and James H. Birch, Jr., previously having read law with Anthony Thornton in Shelbyville, Illinois. He was admitted to the bar in Plattsburg, Missouri, in 1853, practiced in Plattsburg for twelve years, and then removed to Cameron, where he has been the leading lawyer ever since. Until 1895 he practiced alone, and then became associated with James E. Goodrich (as Turney & Goodrich).

Notwithstanding all his hard work as a lawyer, Mr. Turney has found time to serve his county and State. He has been Justice of the Peace, member of the Missouri Legislature in 1856–7, Judge of the Court of Common Pleas in his county, serving one year, and has also been Director of the Cameron Public Schools for several terms.

"Tom" Turney (as his old friends call him), was married May 4, 1859. His wife was Lina Funkhouser, of Plattsburg, Missouri. All of her family have been farmers and breeders of cattle, a brother attaining the name of being one of the leading breeders of Herefords in America. The three living children of Thomas E. Turney are Thomas E. Turney, Jr., a farmer of Camden, Missouri; Olive, wife of Dr. H. H. Henkel, of Staunton, Virginia; and Mary, wife of Dr. James A. Franklin, of Cameron. Of the dead children only one grew to maturity, Lula, first wife of Dr. Franklin. T. E. Turney, Jr., has three living children, Mrs. Henkel has one and Dr. Franklin has one by each wife.

STEPHEN PRINCE TWISS,

KANSAS CITY.

A LIFE of eminent usefulness should be the highest aim of the most gifted, and its faithful record becomes the most valuable contribution to biography. Judge Twiss, in the esteem of his associates, takes high rank among those whose honesty of purpose, impartial judgment, and faithful adherence to convictions of right, have seldom been questioned. Such a man can best be developed, surrounded by the favorable conditions which existed in his early life. Stephen Prince Twiss was born in Charlton, Worcester County, Massachusetts, May 2, 1827. His parents, James J. and Elsie (Prince) Twiss, had an ancestry running back many generations in New England, and they were among the early settlers who figured actively in Colonial history. James Twiss, the grandfather of Stephen, was of English descent, though he was born in the Bay State. It is interesting to trace any remarkable traits of character or talent back to one's ancestry, as furnishing a good account for its existence and controlling influence in the descendant. The father of Judge Twiss was a man of clear and correct judgment, but of modest and unassuming habits. In his son the same inherited judicial type of mind, with the advantages of long and patient research, have developed the eminent jurist of this sketch. In his case, as in that of some other men who have distinguished themselves, we must trace to a Christian mother that impress on his character which has in a marked degree, in his mature years, shown itself

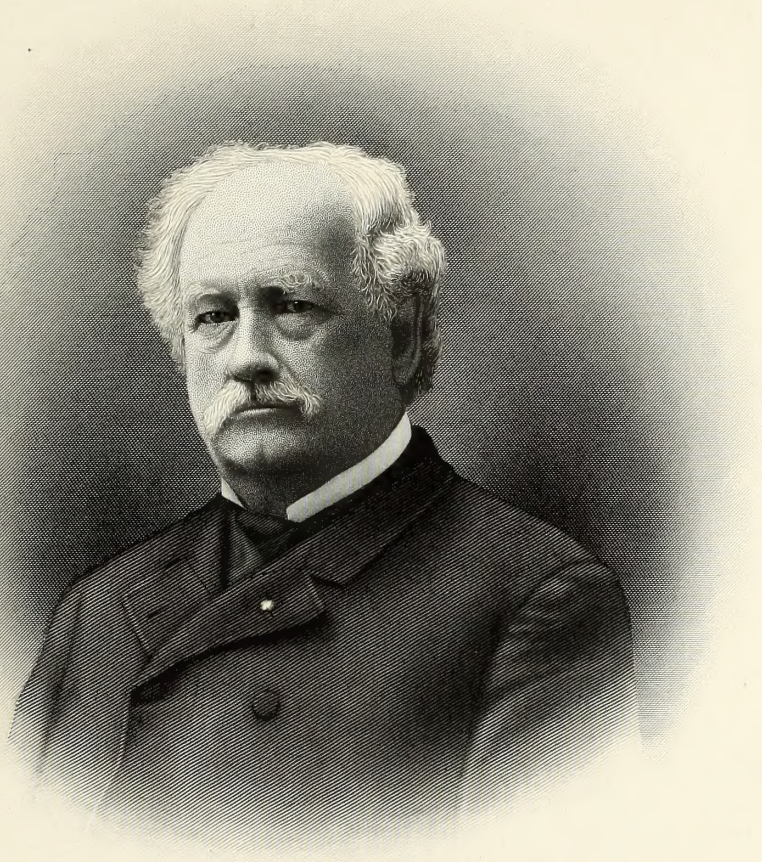
in his sturdy principles of honor, integrity and noble manhood, so prominent in his eventful life.

In his early life he lived on the small farm of his father until fifteen years old. He was the oldest son, and with his brother, Amos Freeman, who died December 25, 1895, at Worcester, Massachusetts, and one sister, Abbie Davis, now Mrs. George H. Brewer, of Ashton, Illinois, they constituted the family circle. In the atmosphere of New England country homes, when he was young, there was little to allure to evil, and much to inspire with high ideals of manhood. At the country school he acquired his early education. After he was fifteen he would work between terms of school, much of the time on the farms of neighbors, until he was eighteen, when his father told him that he would "give him his time" if he would learn a trade. Going to Southbridge he selected and followed the carpenter trade, and he was paid from the first $9.75 per month, considered then large wages. Misfortunes are often blessings in disguise, and so it proved in the case of the young carpenter. An injury of his hand turned the whole course of his life, and he left the carpenter's bench for the bar of the court. Entering Leicester Academy in September, 1845, he was a student there five terms, supporting himself by securing small jobs of work. When twenty-one he entered the produce commission store of his uncle, Stephen Prince, at Boston. During three successive winters, from 1847 to 1850, he taught a country school.

Now the time had come for him to enter on the preparation for his life work; so in May, 1850, he became a student at Dane Law School of Harvard University, received his degree in 1852, was admitted to the bar in March, 1853, when he located immediately in the City of Worcester. Only three years after (1856), he received the honor of an election to the Massachusetts Legislature, where he voted to send Charles Summer the second time to the United States Senate. In 1863 he was elected a member of the Worcester City Council, which office he resigned soon after to accept the position of City Solicitor to which he had been elected, and at the end of his term, was unanimously re-elected.

He is a Republican, and belongs to that class of men who believe that the interests of party must be subservient to the interests of the country. He was an ardent supporter of the Union cause, and three times started to the front. In 1861 he raised a company and was ready to move when the order came to disband, for no more men were needed. At the request of the City Council he pitched a tent on the common and was raising a company for the City of Worcester when word came from the Adjutant-General that the city had already furnished eight more than her quota of men. Under the call of the Government, in 1863, he was one of 300 Worcester volunteers, but the troops got only as far as Boston, when they were ordered to disband.

In the West he was destined to enter upon a career of usefulness and success which would give him an opportunity commensurate to his ability; so in December, 1865, he located in Kansas City, Missouri, where he soon rose to take high rank among the lawyers of the State, a position which he has honorably maintained. In 1872 he was elected a member of the House in the State Legislature and was twice re-elected, (1874–1876). At one session he was the Republican candidate for Speaker. No better proof can be given of the high regard in which he was held by all parties, than the fact that in 1878 he received the appointment of Counselor of Kansas City from a Democratic Mayor, and was confirmed by a Democratic Council.



Stephen F. Twiss

Legal Publishing Co St Louis

One of the most trying positions in the country, requiring not only a thorough knowledge of law, but also a safe and impartial Judge, was open. He was appointed Associate Justice of the Supreme Court of the Territory of Utah, his term beginning January 1, 1881, an office which he held for a little more than four years. So well did he perform his duty, that after the election of President Cleveland in 1884, the Democratic Territorial Committee of Utah offered to use influence to secure his re-appointment, but he declined the honor, returned soon after to Kansas City and resumed law practice. His accurate judgment and interpretation of the Edmunds law against polygamy won for him the confidence of all parties, in a most difficult and delicate position. Utah needed the integrity and clear interpretation of constitutional law which he possessed to an eminent degree, more especially at this critical period of her history, when a re-adjustment was demanded to conform to modern civilized life. His official acts received merited recognition, nor did the opposition fail to see that their interests were safer in the hands of an impartial Judge, who would always construe the law according to the clearly expressed intention of its framers, than they would be in the hands of one easily swayed by popular clamor. The Southern Utonian, of Beaver, Utah, a Mormon paper, though differing from him in policy on many questions, paid him a high compliment by saying—"If a petition asking him to remain, signed by every person in his district, will induce him to stay on the Supreme Bench in Utah, that petition can be secured." Some of his decisions will furnish the reader also a correct view of his ability as a jurist, and a few extracts from a report published by the Salt Lake Tribune, of court proceedings, in 1882, are therefore here appended:

"His Honor then delivered his charge to the Grand Jury, the general instructions being very explicit as to the specific duties and obligations imposed by law upon a jury of that class, defining every point in a very lucid manner. One of the points was their duty to inquire into willfully corrupt misconduct in office of public officers of every description. He then adverted to the Edmunds law, making use of the following language: 'Within the last year, Congress has legislated with special reference to this Territory. It is my duty to call your attention to some of this legislation. The first section of the act of Congress, approved March 22, 1882, known as the Edmunds Bill, defines who is guilty of polygamy as follows: Every person who has a husband or wife living, who hereafter marries another, whether married or single, and any man who hereafter simultaneously or on the same day marries more than one woman, is guilty of polygamy; and prescribes the punishment for this odious crime. The third section provides that if any male person hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor; and prescribes punishment for this offense. It is as much your duty to investigate violations of these provisions of law as any other. Your belief as to the injustice or justice of this law has nothing to do with your duties as grand jurors. You cannot violate the oath you have taken simply because you may not believe the law is just or proper. The Congress of the United States is a law-making power which you and I, court and jury alike, are bound under the sacred obligations of our official oaths, to respect. The Constitution of the United States and the acts of Congress, duly passed in pursuance thereof, are the paramount laws of the land, and when we are required in pursuance of official duties, in due form of law imposed upon us, under the obligations of the oaths we have taken, to execute them, we cannot, as good citizens, attached to the principles of the Constitution of the United States and well disposed to the peace and good order of the same, refuse to per-

form plain and well defined duties, simply because we may not approve, or are opposed to such laws. Your duties are of the utmost importance, and at times you may find them difficult. You stand between the people, the Government on one side and the accused on the other, and you are required to act with fairness to all. You have not only a power, but a trust is given you which you cannot afford to abuse. It may be your duty to refuse to find an indictment against an enemy; it may be your duty to indict a friend; but be it friend or foe whose case you are investigating, you will not, I trust, be governed by personal feelings or inclinations of any kind whatever, either for or against any person. That you will enter upon and perform the duties before you, guided by an intelligent conscience in the performance of all that the law and your oaths require of you, is my desire and expectation.'"

In the case of Cannon versus Thomas, much interest was felt in the Territory; especially in Salt Lake City the excitement ran high. A mandamus in which Cannon, the relator, claimed the election of Delegate to Congress by a large majority, and on the Governor refusing him a certificate of election, asked that a peremptory writ be issued, directing the Governor to give him the certificate. The writ was denied by the Court, and in a lengthy opinion the following statement was made: "If the duty of the Governor in determining who has the greatest number of votes thrown by the qualified voters of the Territory, or is duly elected, is not a judicial act, it is far from being ministerial; it is at least an executive duty of a political character which may at times require the best and soundest discretion."

Of course the Mormon press fiercely attacked the opinion, while on the other hand the Gentile press warmly defended it. The Salt Lake Tribune said: "Of the decision itself, too much praise cannot be given. It shows with what conscientious desire to do exact justice Judge Twiss undertook to perform his duty and with what masterful ability he reached his conclusions. While the friends of Mr. Cannon are disappointed at the result, we do not see how any one who will read the conclusions of His Honor can fail to realize their absolute correctness. It takes a higher plane than ordinary decisions. It gives to even the ordinary reader an idea that the law is an exact science, and furnishes an example of a problem that could have but one solution." Mr. Cannon presented his claims to the House of Representatives, asking to be seated. In the discussions which followed, the correctness of this decision was not questioned, and some members took occasion to state that it was undoubtedly correct.

Judge Twiss is a large man, weighing more than 200 pounds. He has a fine presence, and on the bench he presided with a dignity and grace pleasing to the lawyers and others interested in the proceedings of the court. His patience with others, his painstaking and care in the investigation of cases greatly involved in difficulties, made for him lasting friendship with very many, and inspired great confidence in the wisdom of his opinions.

Judge Twiss was married February 16, 1870, to Miss Louisa Woodbury Clark, daughter of Rev. Nelson and Elizabeth (Gillman) Clark, at Somerset, Massachusetts. At that time her father was pastor of the Congregational Church at Somerset. Mrs. Twiss died in Kansas City about five months after the marriage. August 5, 1873, the Judge was again married. The union was with Mrs. Emiline Bidwell, widow of Alonzo F. Bidwell, and a daughter of Samuel Conklin, of Tecumseh, Michigan. They had one child which died in infancy.

The Judge is possessed of very fine social qualities, is a genial, pleasant gentleman, and much attached to his friends. He hates injustice and wrong, the oppression of the weak, unfairness towards others, or any under advantage, and with all the strength of his manly nature he will espouse the cause of the oppressed. Like his Puritan ancestors, he loves integrity and uprightness and hates oppression and wrong. As President of the Board of Trustees of the Kidder Institute, Caldwell County, and as Trustee of Drury College, Springfield, Missouri, he has shown a deep interest in the cause of Christian education. With broad and benevolent plans he is hoping for the time when Kidder Institute will be well endowed and an institution of great usefulness and promise for good.

He is a member of Kansas City Commandery, No. 10, Knights Templar. With his excellent wife he belongs to the Congregational Church, and while highly esteemed in his own denomination, his plans and sympathies embrace all the churches in every concerted effort for the salvation of men.

What is the most desirable to review in the history of one's life, is a course which has contributed through all the years to the public good; in all the purposes of life, in the plans laid and honorably carried out, and the example set for others to follow; an inheritance of noble virtues more enduring than earthly treasure, and that which will make wealth where possessed, a sacred trust. Such in an eminent degree has been the character of Judge Twiss. Now as the evening shadows are deepening, he has retired largely from business, but he keeps an office open more especially for his friends. When the day's work is over, he retires to his spacious residence, 425 Independence Boulevard, where with Mrs. Twiss they entertain their friends.

DANIEL S. TWITCHELL,

KANSAS CITY.

A SUCCESSFUL advocate, a man of liberal mind, ardent and of great physical and mental energy, is the Hon. Daniel S. Twitchell, of Kansas City, who was born near Ann Arbor, in the township of Scio, Michigan, April 11, 1834. Mr. Twitchell was reared on a farm and in the healthful influences of rural occupation were born the aspirations, the hopes and the resolves on which his future success was to rest.

He is the son of Jonas Twitchell, a native of Vermont, who with his wife settled in Washtenaw County in 1832, in a neighborhood called the "Vermont Settlement." The father in later years removed to Minnesota to be near his son, Dr. R. W. Twitchell, who was the eldest of the children then living, and there died in 1880, at the advanced age of eighty-two years. His wife, the mother of the subject of this article, was before marriage Sarah Weekes, of New York parentage, the daughter of Refine Weekes, a distinguished Quaker, and a noted poet, historian and scholar of his day. The daughter, and in fact all the children, inherited many of his gifts, all being noted for their talent and intellectual acumen. Their father was a leading and influential member of the Society and of his writings, "Weekes' Poems," "Lectures to Young Men" and "The Life of William Penn," best sustain his reputation.

In the teachings of an educated, noble, Christian mother is to be found the solid foundation on which rest the principles and aspirations that have governed the life of her son Daniel. She it was who encouraged and fed his early thirst for knowledge, surrounded

him by good books, and in fact started him in the way he should go. There were five children in the Twitchell household, three sons and two daughters, and of these Daniel was the youngest. The school house was but one mile distant from the old homestead in Michigan and there the lad imbibed the knowledge imparted by the State, assisting with the farm work at odd times. Later he worked on a neighboring farm at $12 per month, and by strict economy had saved, by the time he was ready to quit the common school, the sum of $65. In these *fin de siecle* days the youth would be appalled at the idea of starting out to get an education with only such a sum; but this lad was built of sterner stuff, the stuff that compels success, and therefore with his hoard, which to him then represented considerable wealth, he started for Oberlin, Ohio, undaunted, hopeful and buoyant. At that town he entered the college and by working at night and at odd times was enabled to sustain himself. So hard did he work and such progress did he make that he was soon a competent teacher, and from thence on his way was easier. He was at Oberlin four years and when he left it was to enter upon the study of law. He is next heard of at Ann Arbor, Michigan, where he entered the office of Hiram J. Beakes. This was in 1856, and two years later he was regularly licensed as an attorney. He began practice, and a year later, fortified by having already passed the required examination to be admitted to the bar, and with the experience of one year of actual practice as a lawyer, he entered the law department of the University of Michigan at Ann Arbor, in 1860, and was graduated with high honors, in 1861, as a member of the first law class of the Michigan State University.

On the breaking out of the war he raised a company and was commissioned Captain, but the illness of his wife (he in the meantime having married) compelled his resignation, and he afterward did duty in the Department of the Provost Marshal. In 1859, prior to becoming a student of the college, he was elected City Recorder of Ann Arbor, and in 1860 Circuit Court Commissioner for his county, and later its Prosecuting Attorney. He filled these offices most capably, but at the same time pursued his studies and attended to the law practice that was beginning to come to him.

Dissatisfaction is the incentive to success, the moving cause of all progress, and although he was doing well, the young lawyer was dissatisfied. The West seemed to present a more encouraging field, and therefore in 1865 he moved to Kansas City, and the success that has since then crowned his efforts has more than justified the change. His young wife and two sons, Ralph E., who is now a successful lawyer at Las Vegas, New Mexico, and Wirt B., now a resident of El Paso, Texas, soon followed him to Kansas City, and there the home was established. There also the wife and mother died in 1867, within a year or two after she reached the city. Mr. Twitchell at once entered the lists, with undaunted courage, a clear head and ability as his capital. That he has been successful in his profession every resident of Kansas City knows.

A man of Mr. Twitchell's character and decision cannot remain politically passive, and it is not surprising therefore to know that he takes a warm interest in all affairs of a public or political nature. He is a Republican, and that party honored him by an election, in 1869, to the then important office of City Attorney and Counselor, and during 1881–2–3 also he filled, by appointment, the office of City Counselor. In 1876 he was a delegate to the Republican National Convention at Cincinnati, and was made Assistant Secretary of that body. In 1872, 1876, and again in 1890, he was the nominee of his party for Congress in what is now known as the Fifth Congressional District of Missouri, and in 1874 he consented to sustain the dignity of his party as its nominee for Attorney-General. He



D. S. Mitchell

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made a canvass of the State in company with Hon. Carl Schurz, but the odds were too great against him. On the stump he is an eloquent and forcible speaker, and in his contact with men is suave and congenial.

Mr. Twitchell is a Mason, a Knight of Pythias, belongs to the Order of Elks, and is prominent in the councils of each.

On April 13, 1869, he was united in marriage to the beautiful and accomplished Mary Benjamin, daughter of Mrs. Emeline Boullt, and a descendant of one of the best families of Eastern New York. Mrs. Twitchell, with her rare attractions of personal grace and dignity of character, is specially distinguished for the fullness of her mental gifts as well as the culture and discipline received from a full course of collegiate education, and by careful reading and mental exercise. As a writer of prose and verse the metropolitan press of the State has confessed her excellence. Her chief life work, however, has been devotion to her husband's interests and the education of her two sons, and her labor is being rewarded by their reverence and love, and their success in life. As a member of Grace Episcopal Church of Kansas City she has done much to sustain its services, its charities and its pastoral work, and her wonderful enthusiasm and great energy of character are resistless forces in the accomplishment of whatever she undertakes in the field of woman's work.

EDMUND GUSTAVE VAUGHAN,

KANSAS CITY.

BEFORE a man reaches his thirtieth year his character may be said to fairly indicate what may be expected of him and what he is destined to accomplish. Deductions from data from this period and the sterling qualities, the energy and ambition of Edmund Gustave Vaughan, of Kansas City, assure to his friends a most successful future. Just on the threshold of his career his spirit, enthusiasm, natural ability and the will to register it in effective attainment, has been recognized. He is our youngest representative from his city.

Edmund Gustave Vaughan was born in Kansas City, January 14, 1867. The Vaughans are of English derivation, and their American history begins with Meredith Vaughan, one of the early settlers of Maryland, who was descended from the O'Neils of Scotland. From Maryland the family may be traced to Virginia, where William A. M. Vaughan, the father of Edmund, was born, and thence to Kentucky, where he was reared. He (the father) was carried to Fayette County, Kentucky, when five years old, and removed with his mother and family to Missouri in 1835. Of bold and adventurous spirit, his life was replete with stirring events and moving incidents. He became a trader with the Pawnee Indians of Nebraska, and later was on the frontier of Kansas for four or five years, and was elected a member of the Second General Assembly of the young State. In 1861 he cast his fortunes with the Confederacy, and served under Gen. Sterling Price to the end. When peace was declared, he moved to Kansas City, and was there actively engaged in business until 1886, when he retired. In 1865, near the time of his location in Kansas City, he married Margaret Patton Skinner, of Platte County, Missouri, daughter of Phineas Skinner, a Virginian, who was a prominent man in his day in Northwest Missouri.

Edmund G. Vaughan's primary education was secured at public and private schools in his native city. Afterwards he entered Washington and Lee University at Lexington, Vir-

ginia, from which place he went to New York City, and was there graduated from the Columbia Law School with the degree of LL. B. Returning to Kansas City, he was admitted to the bar in November, 1889.

November 20, 1895, Mr. Vaughan was married in New York City to Permelia May Jarvis, daughter of Samuel and Priscilla (Wear) Jarvis. Mr. Jarvis is President of the North American Trust Company of New York and London. He and Mrs. Jarvis came of old Virginia and Kentucky stock.

Mr. Vaughan is a member of the Sigma Chi Society, and maintains an active interest in its affairs. He was commissioned by Governor Francis, First Lieutenant, Company B, Third Regiment, National Guard of Missouri and served for one year. He has been Treasurer of the Kansas City Bar Association and a member of its Executive Board.

From 1893 to January, 1898, he was in the practice of the law with Gen. Milton Moore, as Moore & Vaughan. At the date last named, he became associated with Messrs. William C. Scarritt, John K. Griffith and Elliott H. Jones under the firm name of Scarritt, Vaughan, Griffith & Jones, which business relation now continues.

Mr. Vaughan's practice is largely corporate in its character, and it is along this line of the profession that he is particularly conspicuous. He is Treasurer and member of the Managing Committee of the Northeast Electric Railway of Kansas City; Secretary and Director of the St. Joseph Stock Yards Company of St. Joseph, Missouri; President of the Ottawa Waterworks and Light Company of Ottawa, Kansas, and also on the managing boards of many important companies throughout the West.

His firm is counsel for extensive interests throughout the country, including the North American Trust Company of New York and London and other investment and trust companies, water, light and paving companies, street railways and irrigation companies, besides large land and bond interests in which Eastern and foreign capital has found investment.

BENJAMIN R. VINEYARD,

SAINT JOSEPH.

BENJAMIN R. VINEYARD is a native of Missouri, having been born near Weston, in Platte County, July 31, 1842. His father was Jesse Vineyard, and the maiden name of his mother was Mary S. Owens. Both parents, now dead, were natives of Kentucky. Mrs. Vineyard, as Mary Owens, was courted by Abraham Lincoln, who offered his heart and hand in marriage, but the proposition was declined by the maiden. Her son, the subject of this biography, has now in his possession a number of the love letters written by the Martyr President to his mother. Some of these have been published in various biographies of Lincoln.

Benjamin R. Vineyard received his education in the schools of the State, and at Pleasant Ridge College, in Platte County, finishing at William Jewell College, Liberty, Missouri. He was raised on a farm, as have been so many of the men who become conspicuously successful in the cities. When a boy of fifteen his father, because of failing health, went with his family to Kentucky, where after spending a year, removal was made to Texas, where they also lived a year. With the exception of these periods, Mr. Vineyard has lived wholly in Missouri.

In 1864 he located at St. Joseph, and soon after took up the study of law. During the time he was instructing himself in the intricacies of the profession he taught school at St. Joseph for a term of six months. In 1866 his studies had been completed, and in April of that year he was regularly admitted to the bar, and since then has been engaged continuously in practice at St. Joseph.

Mr. Vineyard has been honored by appointment to the office of City Counselor, having had charge of all the corporation's litigation in the Circuit and Appellate Courts for a term of two years, from the beginning of 1876 to the end of 1877. He is a staunch supporter of the public school and is thoroughly convinced that education is the foundation on which rests the hope of the civilization of the future. He has been active always in promoting the cause of education, and it is not surprising therefore that he should now be one of the six School Directors of his city. As a citizen he has always been identified with every measure contemplating the public weal, and has been especially active and ready in promoting all enterprises beneficial or promising advantage to St. Joseph. In politics he has always been a Democrat, but, except the judicial and educational offices spoken of, has never been ambitious to use the law and his evident popularity as stepping stones to political preferment.

Emma B. Hoagland was the name of the lady to whom he was married, May 19, 1868, just about the time he began to well establish himself in practice. She was a daughter of one of the leading families of Northwest Missouri, and her father, George T. Hoagland, was at the time of her marriage, President of the Buchanan Bank. Mr. and Mrs. Vineyard have had three children, two daughters and one son, all living.

WILLIAM HOCKADAY WALLACE,

KANSAS CITY.

WILLIAM HOCKADAY WALLACE was born October 11, 1848, on a farm in Clark County, Kentucky. He is of Scotch-Irish stock, and the earliest preserved records of the family relate that his great great grandfather, on the paternal side, came to America from the North of Ireland in the first half of the Eighteenth Century. The latter's son and the great grandfather of our subject, Capt. John Wallace, was born in Pennsylvania, December 18, 1748, and served in the Army of the Revolution under Washington. He was Captain of a company, and an old memorandum book still preserved in the family, among many entries, contains one dated "Camp Whitemarsh, 1777," and another made at "Camp Valley Forge, 1778." The latter shows the extremities to which Washington's army was then reduced, inasmuch as one pound and two shillings were paid for a pair of stockings. His son, Col. John Wallace, was a native of Virginia, but moved to Kentucky during the early settlement of the State and became Colonel of militia. There the father of the subject of this biography, Rev. Joseph William Wallace, was born. For many years he has preached the gospel as an Old School Presbyterian minister, and is yet living at Independence, Missouri, having passed his seventy-fifth birthday November 29, 1896. He is a man of remarkable physique, in the possession of all his faculties, is fearless and independent, of spotless reputation and universally respected.

The mother of Mr. Wallace, before marriage, was Bettie Hockaday, daughter of Edmund Warwick Hockaday, of Clark County, Kentucky. She died when her son was about

three years old and his father married a second time, espousing Jessamine, daughter of Dr. Archibald Young, of Jessamine County, Kentucky. By this second marriage there were four sons, namely: John Calvin Wallace, a lawyer, now deceased; Charles Hodge Wallace, a physician of St. Joseph, Missouri; Theodoric Boulware Wallace, a lawyer located at Kansas City; and Addison Alexander Wallace, now a Presbyterian minister located at Mexico, Missouri.

Rev. Joseph W. Wallace sold out his posessions in Kentucky, and in 1857 moved his family to Missouri and settled on a farm in Jackson County near Lee's Summit. From the time he was old enough, young William H. made a regular hand on the farm when not at school. In such early training was laid the foundation for the exceptional physical endurance and capacity for work that are his characteristics.

The Wallace family, as inhabitants of the "Border," were most critically exposed in the war between the States, and it is fortunate that they escaped being ground to pieces, living as they did at the point where, to use Mr. Wallace's own words in one of his speeches—"Torch and fire, sword and rapine, pillage and plunder, robbery and assassination were abroad in the land; where devouring flames leaped from farm to farm, from house to house, until both earth and sky seemed ablaze with living horrors; where the red lightning of murder played the reddest along the Western sky and the fierce dogs of war were turned loose on defenseless women and children; with the wondering eyes of a boy I saw it all and like a lurid panorama it rolls before me now." Mr. Wallace's father was a pronounced Southern man and an owner of slaves. Every vestige of his property except his burnt off land was swept away, and in August, 1863, the family was compelled to vacate the homestead under what was known as "Order No. 11," and moved overland by wagon to Fulton, Missouri. William H. there entered the preparatory department of Westminster College, and graduated in 1871, after taking the regular classical course. For part of his education he is indebted to the liberality of the late Judge Thomas B. Nesbit, of Fulton, a kindness he always thoroughly appreciates and yet refers to with expressions of sincerest gratitude. That the favors of the Judge were most justly and advantageously bestowed, the subsequent career of the recipient amply demonstrates. During his attendance at college he taught one term of school, likewise teaching a term after graduation.

He studied law in the office of a relative—Judge John A. Hockaday, at Fulton—and was licensed to practice by the late Judge Burckhartt, of Randolph County. He moved to Independence, Missouri, to enter upon the practice of his profession in 1874, and while engaged in trying to secure a clientage, he supported himself, in part, by newspaper work. He was connected with the Independence Sentinel for about a year and was for some time the Independence reporter for the Kansas City Times. He was for a few months the law partner at Kansas City of James B. Snell, now deceased, and afterwards at Independence of George W. Buchanan, a venerable member of the Jackson County bar. In 1877 he went into partnership with Judge Edward P. Gates, now one of the Circuit Court Judges of Jackson County. This partnership lasted for seventeen years.

In 1880 Mr. Wallace moved to Kansas City, where he has since resided. In the same year he was elected to the office of Prosecuting Attorney of Jackson County, and in 1882 was re-elected as his own successor. It was during this incumbency that he distinguished himself by his untiring energy, zeal and resourcefulness as a public officer. It was he who inaugurated and with fearless courage and exceptional cleverness carried forward the scheme



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Wm. K. Wallace

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to capture, punish and rid Missouri of the disgrace of the "James Boys." In fact, he made the canvass each time on that issue. The prosecution of this famous gang of daring bandits extended through three years, and resulted in the death of Jesse James and in crushing forever that band of notorious outlaws — a task that had hitherto been deemed a stupendous impossibility. There are few people who have ever fully comprehended the difficulty and magnitude of this undertaking. The truth is, the James Boys had terrorized the people of Western Missouri for fifteen years. It was considered certain death to give information against them, and a number of worthy citizens who were suspected of having done so, had been shot down in cold blood. Jesse James had stated at houses where he ate that he would kill a woman who informed on him as soon as he would kill a man, and every mouth was sealed. A Judge of the Criminal Court of Jackson County, now deceased, is authority for the statement that a grand jury at Independence concluded that they would investigate a robbery attributed to these outlaws, and they supbœnaed a man at whose house they were accustomed to stop. He promptly answered all their questions, but on arising from the witness chair, he drew a large six shooter from his belt and said: "Now, gentlemen, I won't swear a lie. I have given you the names of the men who committed this robbery, but my own life is now at stake and I want to say that if anybody is indicted you can all dig your graves at once." Nobody was indicted. These men were as thoroughly feared by railroad men as by country men. When preparing for the trial of the first train robber at Independence, the officials of the road whose train was robbed sent word to Mr. Wallace that they thought it useless to push the matter, that a jury could not be found that would convict and that it would simply incite to further acts of violence on their road. When finally those in charge of the train were sent as witnesses, all except one were excused from testifying because they feared assassination.

Whatever may be said of those worthy citizens and officers who aided in the overthrow of one of the most powerful bands of outlaws the world has ever known, it may be truthfully said of Mr. Wallace that he spent more time and did more work than all others combined. He was in the fight single-handed for six months and had one of the gang in jail, had broken the ice and had demonstrated that he could be convicted by a jury in Missouri, before any other officer had done any effective work; and he stood solitary and alone in the contest for more than a year after the last member of the band, Frank James, had surrendered and public and official sympathy had turned so strongly in the defendant's favor that it was impossible to convict. Mr. Wallace had been raised in eastern Jackson County and knew many of the bandits and their friends and kindred personally. He made his first campaign in the county on horseback, speaking at night, calling the outlaws by name and promising to prosecute them if elected. He was the first and only candidate for office who ever denounced the band from the stump in eastern Jackson County. By his example he dispelled the intense secrecy that had surrounded their exploits. He broke the backbone of outlawry in Missouri by the conviction of Bill Ryan at Independence, and their complete destruction followed in a few months afterwards. He traveled thousands of miles and accumulated every particle of evidence, and with the exception of the Ford boys, furnished every witness or informant ever used in or out of court. He never received or assisted any one in the remotest way to receive any reward that was ever given. He received no fee from any source, except the small fee allowed by the statute in case of conviction—not exceeding $12.50. He was probably as frequently threatened with political annihilation, personal violence and death as any man who ever held an office, and yet no enemy has ever

accused him of changing his position or making any concessions or apologies. His conduct was such that his bitterest enemies are now among his staunchest friends. General Shelby, who was an outspoken friend of the James Boys upon the ground that they had been mistreated and who fought Mr. Wallace throughout, with all of the fervor of his nature, became one of his warmest friends and paid the highest tributes to his worth, and especially to his personal courage, he ever received from any source whatever.

Before the end of his second term as Public Prosecutor, he made the race for the Democratic nomination for Congress. Upon entering this race he resigned the office of Prosecuting Attorney upon the ground that he could not properly discharge his official duties while engaged in a political canvass. His opponents were very bitter, claiming that he had displayed unnecessary vigor and pertinacity in the prosecution of the train robbers. He easily registered a vote at the primaries far in excess of any of his competitors, but as there was a dispute as to whether he or his leading opponent obtained the nomination in the Congressional Convention, Mr. Wallace very generously withdrew from the race. This contest took place in 1884, and he has never since consented to become a candidate for any office.

Notwithstanding the bitterness some of those who opposed him manifested in that campaign, almost to a man they have since become his friends, and while he has, until the present, refused to again ask the suffrages of the people, he has always manifested a deep interest in political and public affairs, has always been an enthusiastic Democrat, and with one or two exceptions, has participated at his own expense, on the stump and otherwise, in every municipal, county, State and National campaign between 1874 and 1896. There is scarcely an office in the gift of the people of Missouri he could not have had, had he been willing to accede to the urgent and repeated requests made by his many friends throughout the State.

Mr. Wallace is now at the head of a successful practice in Kansas City, as the partner of his brother, Theodoric B. As a lawyer he is noted because of his versatility, conducting every kind of a case, civil or criminal, with equal ability. His power before a jury is unequaled, and it can safely be said that no attorney in the West has been so uniformly successful before this tribunal. He is an indefatigable worker, but possesses that rare faculty of withdrawing his mind from the most tense surroundings and seeking repose and recuperation at will. He is one of the people, is courteous and kindly to all, is a true friend, and does not harbor malice against any who have wronged him. He speaks always extemporaneously and his utterances are filled with dramatic fire. An ex-Senator of the United States, who stands second to no man in America in point of literary culture, after reading Mr. Wallace's speech in the prosecution of Frank James, pronounced it "one of the finest productions in the English tongue." This speech has been twice printed in pamphlet form and has been generally read. In many of the schools and colleges of Missouri extracts have been taken from it and used as declamations. Mr. Wallace himself has stated that he regarded as his best effort his speech in the prosecution of Bill Ryan, the first one of the James Boys band of bandits who was tried by a jury in Missouri and who was convicted and sentenced for a term of twenty-five years.

The prosecution of the James gang forms one of the most dramatic pages in Western history. In this he was the chief actor, and the history of his participation therein, although of thrilling interest, is too long to be related in detail here. The contest showed his energy, his remarkable endurance and tenacity and ability, as well as that he was wholly devoid of

fear. He was surrounded by desperate and unscrupulous men during three years, and although his life was in danger every minute, such dangers he seemed to court and they but stimulated him to renewed activity. It is but fair to say that he took no part and knew nothing of the killing of Jesse James, and as a testimony to his absolute fairness and honesty, it is of record that through him, after the killing of Jesse James, the mother and wife of Frank James opened negotiations for the surrender of the latter, they knowing that he would protect him and carry out any agreement he might make. Mr. Wallace's terms of surrender included, among other things, that Frank James should serve a term in the penitentiary. The terms were declined, being pronounced too severe. A few months afterwards Frank James surrendered through other parties.

July 14, 1887, Mr. Wallace was married to Miss Elizabeth G. Chiles, daughter of Mr. Cornelius C. Chiles, of Independence, Missouri. By this marriage there are two children, William H. Wallace, Jr., born April 18, 1888, and Mary Chiles Wallace, born December 27, 1890.

Mr. Wallace's personal characteristics embrace all that goes to make up true manhood. Earnest and warm in his friendships, strong in all his convictions and fearless in their expression, he has ever been the champion of things that are honest, things that are pure, and thing that are true. Mr. Wallace's oratory has not been confined to professional or political fields. Frequently he has been called upon to deliver annual addresses to the literary societies of the highest institutions of learning in the land, and long will these addresses be remembered by the young men who were but then entering upon their life's work. Especially were the addresses delivered at the Missouri State University, at William Jewell College and at Central College considered by all who heard them as the very best types of scholarly eloquence.

ALEXANDER H. WALLER,

MOBERLY.

THE Wallers are an old and influential Kentucky family, the early progenitors of the house having come to this country from England prior to the Revolution. Eben Cotman Waller, the grandfather of the subject of this biography, was born in 1772, on the Eastern shore of Maryland, near Saulsbury, where the family settled on coming from England. His son, Esme Marshall Waller, the father of Alexander H., was born in Maryland and went with his family when they carried the name to Kentucky, in whose soil it has flourished, producing sons who became influential citizens of that State. There Esme M. Waller met and married the mother of our subject, who was Jane H. Moffett. Her father was Alexander Moffett, of Scotch-Irish blood, and a native of Virginia. The family was one of influence, and lived near Staunton. From there the sons of the house scattered, Alexander M. locating in Trimble County, Kentucky, at an early day, while two of his brothers settled at Piqua, Ohio (once known as an old Indian village), in which section their numerous descendants may be found to-day. Esme M. Waller and Jane H., daughter of Alexander Moffett, were married in Trimble County, Kentucky, in 1845, and two years later, or on April 13, 1847, their son, Alexander H., was born in Carroll County of the same State. Prior to the war, or at a period near its beginning, the parents left Kentucky and sought a new home in Missouri, selecting Clay County. There they lived the balance of their days and there both lie buried, the father dying in 1891, at the advanced

age of eighty-eight, while the wife who had been his helpmeet for nearly half a century, survived his loss only a short time, dying in 1893, aged seventy-eight.

Alexander H. Waller was born on the farm and there spent his youth. The rudiments of his education were received at a private school in Kentucky. He attended the district schools of Clay County, Missouri, and later an academy conducted by Professors Hughes and Bradley. Both the latter were splendid educators and conducted one of those excellent private academies that sprang up throughout the country districts during the war, owing to the closing of most of the higher institutions of learning.

In the young student was early engendered the ambition to become a lawyer, and always fertile in resources to find a way when there was the will, he procured books and began study at odd periods between the tasks on the farm. In 1873 he went to Randolph County and at Huntsville, the county seat, entered the office of the Circuit Clerk. In change of scene and employment, his law studies were not remitted, and hence we find that in 1876 he passed his examination and was admitted to practice by Judge George H. Burckhartt, at Huntsville. His first location was Huntsville, where with H. M. Porter he formed a partnership which lasted about two years. Subsequently he was the partner of Joseph H. Rodes for an equal length of time.

In 1877 Mr. Waller was elected City Attorney of Huntsville, and stepped out of that position to accept the office of Prosecuting Attorney, to which he had been elected in 1878. He served three full terms in that office, being re-elected in 1880 and again in 1882, and then refused to again become a candidate, desiring to give some other young attorney an opportunity. It was during his incumbency of this office that the noted Hade Brown murder case was tried. The trial attracted wide attention, owing to the prominence of the parties involved, and the young Prosecuting Attorney conducted the case for the State with an energy, skill and resourcefulness that very greatly increased his reputation and prestige. When he retired from the office of State's Attorney, he removed to Moberly, the metropolis of Randolph County, and has actively engaged in practice there since 1885.

Mr. Waller is a Knight of Pythias, is staunchly Democratic in his political affiliation and in all conventions and campaigns of that party has wielded a marked influence. In fact, he is considered one of the conspicuous Democrats of that section of Missouri, and should he conclude to devote more attention to that field, his success is a matter about which there would be little doubt. Heretofore numerous influential Democrats have urged him to run for Congress, and those who know him best believe that he will yet represent his district in that body.

Mr. Waller is essentially a self-made man. Of strong will and decisive mind, he has naturally taken his place in every enterprise as a leading spirit. His aggressiveness is generally given expression in every case in which he is retained, and he is always an energetic and vigorous partisan of his client's cause. He is at home equally in criminal or civil suits, but he has been especially successful in damage cases against railroads, and has become an adept in such branches of law. Among such cases of consequence of this character, which he has prosecuted, may be mentioned that of Browning versus Wabash Western Railway, which was tried in Chariton County, and which Mr. Waller won for his client, securing ample damages. He appeared as the attorney for Prewitt versus Eddy & Cross, receivers for the Missouri, Kansas & Texas Railway, who also sued for damages, which he secured. Another damage case in which he got judgment for his client was the suit of Dickson versus Omaha & St. Louis Railway, which involved the railway fence question and the liabil-

ity of the railway for a defective fence, whereby live stock got onto the line and caused an accident which killed plaintiff's husband, an employee of the road. In the suit of Murphy against the Wabash Railway, Mr. Waller secured a verdict awarding his client $8,000 damages. The case of McGee versus Missouri Pacific Railway was important because it set a precedent in questions involving the liability of railways to passengers carried on freight trains. Out of numerous appeals, Mr. Waller has never been reversed but once in the Supreme Court.

WILLIAM WARNER,

KANSAS CITY.

MANY men in American life are proud of the fact that they are the sole architects of their own fortunes, and the pride is just and pardonable, for it is a certain estimate of their worth; plain proof that merit, and not adventitious circumstance, has been the lever of their achievements. In extraordinary measure, then, should Major William Warner, of Kansas City, lawyer, orator and publicist, be entitled to credit, for he has proved himself superior to the most adverse conditions at a tender age when most children are dependent wholly on their parents. He has carved his way to his present high position by strength of purpose and character.

He was born in Lafayette County, Wisconsin, June 11, 1839, and his parents dying when he was very young, he was largely thrown on his own resources at the tender age of six years. Many men of years and experience have proved unequal to facing the world alone, and that a weak and simple child of six should have in him the courage and mettle to begin the battle of life almost without the help of others, in competition with grown men, is no less than wonderful, yet such was the fate of the subject of this sketch. He worked at anything a child of such years could do until he was ten years of age, when he secured employment in a store, remaining there until he was fifteen. That he was cast in an heroic mold is shown by those years of early struggle. While he was employed in the store, the ambition to secure an education was bred. To determine with him has always been to execute. From his meager earnings he began to lay aside each month a little money, and at the end of five years, was enabled to spend two years at college, for which he had prepared himself during the moments he could spare from his work. Rough experience had taught him the value of time, and when he could he went at his books with the indomitable will to master them. This, in short, is the outline of the childhood and youth of one of the ablest lawyers of Missouri.

During his days at college he made up his mind that his education could be turned to the best practical account as a lawyer. He qualified as a teacher, secured a school, and while he taught during the day, he studied his law books at night, with the result that he was soon enabled to pass his examination and was duly admitted to the bar.

About this time, when he was getting ready to begin practice, the war broke out. The young lawyer was not one of those who could stay complacently at home while the integrity of the Union was menaced. At the very beginning of hostilies he enlisted, and having a natural capacity as a leader, soon became First Lieutenant. As the war progressed he continued to rise and earned successively the place of Adjutant of the Thirty-third Wisconsin Volunteers and of Captain of Company D, of the same regiment. In 1864 he was made Major of the Forty-fourth Wisconsin, and by the title he then bore he

has since been addressed. Most of his campaigns were made in the West, where he participated in many hotly contested actions, likewise serving much of the time on staff duty. In Missouri his record for service and bravery of those days has endeared him to the soldier of the present, and there are few more popular or better known veterans in the Republic than he, notwithstanding that there are scores of men who as officers outranked him in the army, but on the ground where native force of character and personal attributes only count, Major Warner has passed many men and has risen to the most important place in the affection of his comrades in arms. He is very prominent in G. A. R. circles, has been twice Commander of the Department of Missouri, and in 1888, at the National Encampment at Columbus, Ohio, was unanimously elected Commander in Chief of that great organization. It was largely through his efforts that the law was passed by Congress locating a soldier's home west of the Mississippi.*

After the Civil War had ended he started out to seek a location, reaching Kansas City in October, 1865. His rise was rapid as a lawyer, and as a citizen he was one of the most considerable contributors to the phenomenal growth of that metropolis in the two decades following the war. In politics he has ever been an ardent Republican, and while city, district and State have nearly always been reliably Democratic, the almost insuperable difficulty of this situation has amounted to nothing before the popularity and personal magnetism of Major Warner. The result of this has been that he has been drafted to fill all sorts of positions and offices of responsibility and trust. As early as 1867 he was elected City Attorney of Kansas City and the following year was made Circuit Attorney. This office he resigned in 1870, and the following year, as the sole successful candidate on his ticket, was elected Mayor. That he entertains high ideals in politics as in all the walks of life, and that he is devoted to principle more than to party is shown by his support for Mayor, in 1875, of Turner A. Gill, a Democrat, as opposed to the designs of the National Water Works Company on the city. He was one of the committee which prepared the charter of Kansas City of 1875, and his ideas and knowledge entered very largely into that instrument.

In 1885 he was elected to the Forty-ninth Congress and made a record as one of the most conspicuous and able members of that body. During its first session he was the author of thirteen bills which became laws, and as he was a new member, this shows in a manifest degree his influence and standing with his colleagues. In 1892 Major Warner was the Republican candidate for Governor, and although the Democratic majority was too great for his popularity to overcome, he ran far ahead of his ticket. In 1892 and again in 1896, he was one of the Delegates-at-Large to the Republican National Convention, and for years has been one of the chief counselors of his party. In fact, he is a figure of National importance and has held honorary offices, political and otherwise, too numerous to mention. No man in Missouri more thoroughly enjoys the confidence of the people than Major Warner. They know he is a man of the highest principle, they admire him because of his ability and love him because of his many noble personal qualities. Such as he can and do rise superior to party.

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* A reference to his career as a soldier is found in a letter of Capt. Ira Miltemore, of Janesville, Wisconsin, who, writing home after the siege of Vicksburg, said: "To-day is the Fourth of July. While the rebels are evacuating the town and marching out on one side of the public square and our boys are marching in on the other side, Capt. William Warner, of Kansas City, is standing in the center of the square reading, in his magnificent voice, the Declaration of Independence with a like effect on both armies."

It might be interesting to say a word here respecting the Major's voice. It is indeed "magnificent." Deep, sonorous and penetrating, it is one of those peculiar voices that can be heard in the greatest convention hall, though its owner does not exert himself at all. Where other men would shout themselves hoarse, and then not be heard by half the people at a National Convention, Major Warner, seemingly with no extra effort whatever, can be heard by any man of the great concourse of people who attend such gatherings.



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He is one of the best jury orators in the State and his exceptional tact and knowledge of human nature make him a master of men. Of liberal and broad mind, he considers the weakness and folly of mankind most charitably, and his temperament is of that sunny kind without a streak of pessimism. As an orator he has few equals. His political speeches and his pleadings are always sound in logic, strong in arrangement of facts, rich in humor and sometimes abounding in sarcasm, but always of a good-natured kind.

February 28, 1898, President McKinley appointed Major Warner United States Attorney for the Western District of Missouri. This appointment was urged in behalf of harmony, and though it involved sacrifices in his extensive private practice, the Major accepted, only after assurance on the part of the President, however, that his acceptance of the office would in no way affect the fortunes of the men who were candidates for the office.

Major Warner was married in 1866, within a year after he reached Kansas City, to Mrs. Sophia F. Bromley, sister of T. B. Bullene, the big dry-goods man of that city. Mrs. Warner is no less endowed with noble virtues than her husband. They have had six children, of whom three, two sons and one daughter, survive.

HENRY KIRKE WHITE,

SAINT JOSEPH.

THE subject of this sketch is of Puritan ancestry, a strain that has dominated and led every people in every part of the world, and has grown and flourished in the greatest diversity of surroundings. Mr. White is descended from William White, one of those sturdy patriots who, holding intellectual and personal liberty above life itself, embarked for a land filled with certain but unknown perils, in the good ship Mayflower. His son, Peregrine White, was born on that ship after its arrival in Cape Cod Bay, December, 1620. His great great grandson, John White, was a physician and gave his valuable professional services freely to the patriots of the American Revolution. Dr. White's son, Vassal White, served also in Washington's Army and received afterward as a token of his country's gratitude, a pension which was given as a partial compensation for loss of hearing while in service. Aaron Kellogg, Mr. White's great grandfather on his mother's side, was also one of those who created the Republic and a patriot of distinction. He was twice commissioned Captain of New York troops, and passed through much arduous military duty and endured great hardships in his country's behalf during the eight years' war. On the petition of that noted patriot, Ethan Allen, Captain Kellogg was the recipient of a grant of land from the State of Vermont in recognition of his valiant service in his country's cause, and especially for service rendered at the time of the Burgoyne invasion. This land grant consisted of part of the islands of Two Heroes, in Lake Champlain. Mr. White's mother, Sarah (Kellogg) White, died in 1890, while his father, Elijah Kingsly White, preceded his wife to that "bourne whence no traveler e'er returns" by forty-seven years, dying in 1843. He was one of the pioneers of Florida, was attached to the medical department of the United States Army during the Seminole War in Florida, and was a member of the first Constitutional Convention of that State. As far back almost as the history of the Republic extends, the ancestors of Mr. White were people of strong character, honest and God-fearing, and imbued with the most disinterested patriotism. All were lovers of liberty always and Tories never.

Henry Kirke White was born at Newnansville, Alachua County, Florida, July 16, 1840. He was given a good education, receiving his course and master's degrees from the College of the City of New York, and after his graduation took up the study of law, and while pursuing a course at Columbia College Law School, taught school in New York City. In June, 1862, he was admitted to the bar in New York City. In 1865 he determined to seek fame and fortune to the westward, and selecting St. Joseph as his location, was there admitted to the Missouri bar in September, 1865. In that city he has practiced his profession ever since and yearly has added to his fame as a lawyer, and the confidence and respect in which he is held by his people.

Mr. White, while taking an interest in affairs political, has never sought or consented to hold any office not strictly judicial. For four years, 1866 to 1870, he acted as Clerk of the Fifth District Court of Missouri under the Constitution of 1865. He was also Commissioner of United States District Court from 1866 to 1877, and administered its affairs with wisdom and ability.

He is a member of the Sons of the Revolution and of the college fraternity known as the Phi Beta Kappa. He has always manifested an abiding interest in educational affairs of every kind and is now one of the Trustees of the public library at St. Joseph, Missouri.

Mr. White was married December 20, 1882, to Miss Emily G. Blanchard, of St. Joseph. They have five living children.

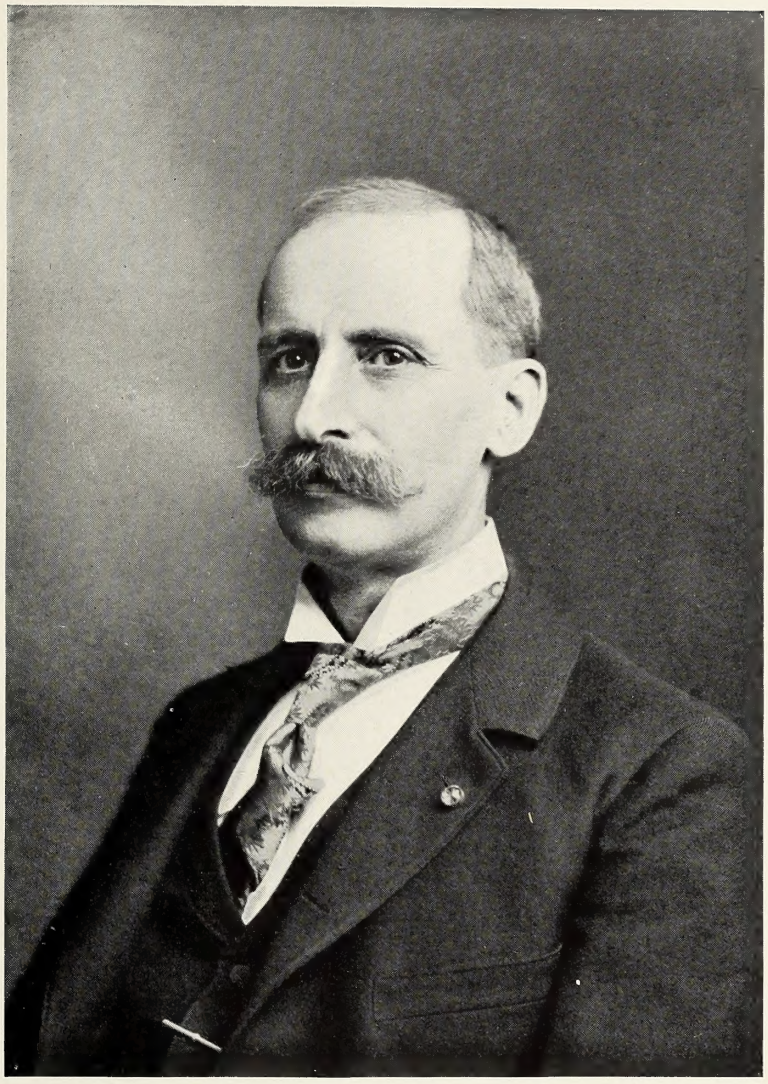
ALBERT CLIFTON WIDDICOMBE,

BOONVILLE.

CAPT. ALBERT CLIFTON WIDDICOMBE, of Boonville, proved himself more than thirty years ago to be a brave and good soldier, and then, leaving the field for the forum, became an able and accomplished lawyer. He came out of the army with a title of some honor, having been commissioned Captain of Company B, Sixteenth Regiment of West Virginia, U. S. V. He enlisted in the spring of 1862 in that regiment, at Alexandria, Virginia, in the infantry service and served two years in the Army of the Potomac, in the Department of Washington. He was a beardless youth, twenty years of age at the time of his enlistment, but he had the honor of recruiting 200 men, and battling with them nobly through the war. However, it is more with the legal than the military features of Mr. Widdicombe's career that this sketch has to deal, for it is as a lawyer that he is best known and will be best remembered.

Captain Widdicombe was born August 5, 1842, at Washington, District of Columbia, his father, Robert Widdicombe, being a native of Devonshire, England. From Devonshire he came to the United States in 1824, with his brother. He settled in the capital city of Washington, but the brother, John Widdicombe, went to Clark County, Ohio, where he became a successful farmer. The mother of Captain Widdicombe was Mary Saul Galloway, who came from the staid old Colonial town of Marblehead, Massachusetts, and her father owned much property in Washington, District of Columbia. The marriage of Captain Widdicombe's parents occurred in Washington, they experiencing the distinction of being the first couple wedded in St. John's Episcopal Church, which the President then attended.

Captain Widdicombe was the seventh child and third son of this marriage. His boyhood was spent within the shadow of the halls of Congress, and he was educated in the



A. C. Widdicombe.

private primary schools and secured also considerable learning from a private teacher at home. When fully prepared he attended Loudoun Institute, near Middleburgh, Virginia. Thus mentally equipped, he studied law in the office of Thomas H. Dodge, at Washington, District of Columbia, but meanwhile the war came on and he entered the army in the spring of 1862, at Alexandria, Virginia. He was at that time not twenty years of age, and although a native of the most intensely Southern section of the country, he entered the service of the Union, abandoning his legal studies to do so.

It was in 1864 that he came to Cooper County, Missouri. There he was admitted to the practice of law in the Circuit Court, at Boonville, by Judge George W. Miller. Since then Captain Widdicombe has practiced continuously in Boonville, having been admitted to practice in the Supreme Court of the United States in 1872. This means that he practices in all courts. For two years (1893 and 1894) Captain Widdicombe practiced law in his native city of Washington, and then returned to Boonville, where he found things more to his liking.

He is essentially a lawyer who understands and deals in land litigation, being one of the most thorough adepts in this legal branch of any lawyer of the State. His practice is as lucrative as it is large, and there is a constant increase in the business that flows his way, which undoubtedly is because of the fact that he has become famous for his deep knowledge of real estate law and land history, no less than the fact that he has perfected the title to thousands of acres of Missouri land. In the noteworthy case of Gray, et al., versus Jones, et al., involving 5,000 acres of land in Northwest Missouri, he triumphed, after a long and involved contest, in the United States Circuit Court. He has achieved a fame in this field which is as extended as enviable.

As City Attorney of Boonville for several terms he acquitted himself with ability. Accepting the Republican nomination for Prosecuting Attorney of Cooper County, and doing so merely to sustain the party organization, he reduced the adverse majority an appreciable extent, Cooper County being decidedly Democratic. After being for several years a member of the Republican State Executive Committee, he was elected by the Republican State Convention at Sedalia (1886) to the Chairmanship of the State Committee, although he was not a candidate for that position. It was given to him unsolicited, and he managed the State campaigns of 1886 and 1888 with the generalship to be expected of a war leader and veteran. He took a leading part in the State organization of Republican League Clubs, and directed their campaign, which bears the name of being the most successful Republican campaign in Missouri since the war. He believes that the best results politically are obtained by thorough and close organization, and has proved that his theory is correct on several notable occasions.

He is too good a lawyer to be an office-seeker, but he has always been an active worker in the van of the Republican party in his section, giving freely out of his ample purse for the furtherance of the party's interests, as well as being prodigal in argument and personal effort for its welfare. Captain Widdicombe's political career began early. He was a delegate to the National Republican Convention which nominated Lincoln at Baltimore in 1864, one of his colleagues being the Hon. Joseph W. McClurg, who subsequently became Governor of Missouri. At this convention the Missouri delegation had the honor of nominating General Grant, which was the first time he was ever named for the place he afterward filled, though he was not then considered a reasonable possibility. As the seats of the Missouri delegation had been contested, the delegates thought it best to let the convention

know it was present and that the Republican party in Missouri was an active, vital entity. Therefore, the delegation agreed to put General Grant's name before the convention, though at the same time each one of them was an ardent supporter of Lincoln. If the action of the delegation was intended to create a diversion, it certainly had the desired effect, for it broke the "call" and precipitated an uproar. After the convention had subsided and the roll had been completed, John F. Hume, Chairman of the Missouri delegation, and at that time editor of the old St. Louis Democrat, climbed on his chair, withdrew the name of Grant and moved that the nomination of Lincoln be made unanimous, which was done. Captain Widdicombe was also one of the Missouri delegates in 1888, when Benjamin Harrison was nominated for President, the first time.

Captain Widdicombe is an Odd Fellow, a member of Frank P. Blair Post, G. A. R., of St. Louis, and the Loyal Legion, of St. Louis. In each of these societies he has acquired a reputation for fraternalism which few enjoy. To look at him one would never believe that he could be a veteran of the Civil War or that he could have participated in a convention which nominated Lincoln. That he does not look more than forty, is perhaps due to his temperate and natural mode of life and the fact that he strives always to be at peace with mankind and the world.

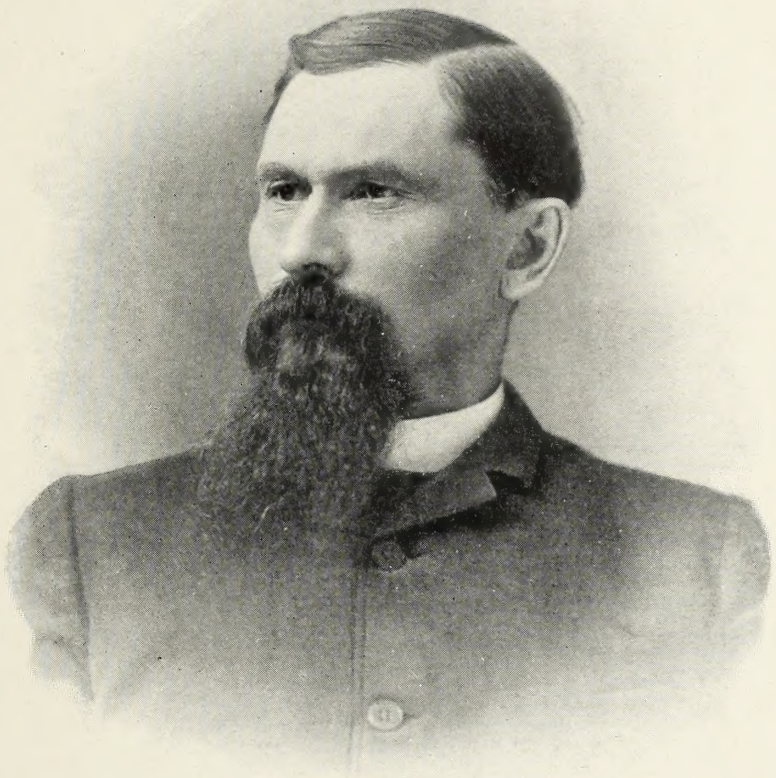
He was married November 28, 1865, at Connorsville, Indiana, his wife being Susan P. Hedrick, the daughter of Robert G. Hedrick, who now lives in Indianapolis. Her uncle was Caleb B. Smith, Secretary of the Interior under President Lincoln, and it was at his house in Washington that Captain Widdicombe met her. She is an educated and accomplished lady as is evidenced by the careful training she has given her four living children. They are Rosa S., Robert H., Gertrude and Mary G. Robert H. is married and a practicing lawyer at Colorado Springs, Colorado. Gertrude is the wife of Tyler K. Brant, and she has one son, a year old, whose name is Tyler K. Brant, Jr.*

SHELDON AMOS WIGHT,

NEVADA.

THE History of the Bench and Bar of Missouri would be incomplete without the name of Sheldon Amos Wight. He was born on the 4th day of October, 1839, in St. Lawrence County, New York. His parents were Alexander Wight and Anna Sheldon. His father was a farmer and his popularity resulted in the holding of many township offices and the Postmastership. The Wights are pure Americans. The founder of the family was Thomas Wight, who was one of the first settlers of Dedham, as early as 1635. The place was in New England, and has since been known as Medfield, Massachusetts. The settlers numbered twelve, and Thomas Wight was the leader. John Eliot, the apostle to the Indians, who wrote the Bible in the aboriginal language, was the brother of Thomas Wight's wife, whose name was Lydia Penniman. The descendants of Thomas Wight have been prominent New Englanders, and in all civic, social or military affairs they have been conspicuous figures. In all American battles since King Philip's war (and including that

* Captain Widdicombe enjoys the distinction of having raised the American flag to the highest point it has ever reached, in connection with the extraordinary event of the National salute given the flag by the Army of the Potomac from Arlington Heights and vicinity, at the moment of its attaining its destined elevation, on the Washington monument, on the 22d day of February, 1862, at the City of Washington — the height of the unfinished shaft at the time being 285 feet.



Samuel

struggle), the rolls of the patriots contain many of their names. Twelve were soldiers in the Revolution on the American side. A great many descendants in the seventh, as well as the eighth generation, to which Sheldon A. Wight belongs, were soldiers in the late Civil War on both sides. One of them, Col. Samuel Bowen Wight, was commander of the famous Sixteenth Georgia Regiment, C. S. A., which was known as Howell Cobb's regiment. The Wights have attained eminence in every profession; the arts, the sciences, the law and the ministry have been elevated and adorned by them. Moses Wight was a renowned painter; Rev. Daniel Wight designed the steel engraving of the "Journey" of Bunyan's Pilgrim from the "City of Destruction" to the "Celestial City." Another notable member of the family is Frederick Dearborn Wight, of Colorado, the largest wool grower in America and recently candidate for Governor of that State. Rose Hartwick, author of "Curfew Shall Not Ring To-night," was a daughter of Mary Louisa Wight. These are but a few of the many notable characters produced by this family, and the Sheldons are an equally well-known family. The great great grandfather of Sheldon A. Wight was a General in the Patriot Army.

The subject of this sketch was educated at Governeur Academy, in New York, next the Fairfield Academy, and the Albany University. It was at the Albany school that he studied law. Previous to his course there he read law in the office of E. B. Winn, of Watertown, New York. He was admitted to practice at Albany in December. Since his admission to the bar he has followed the practice of his profession continuously, having no ambitions outside of his profession, the offices he has held having come to him without his solicitation.

In September, 1861, Mr. Wight enlisted in the Thirty-fifth Regiment of New York Volunteers. He was at Cedar Mountain, the Second Battle of Manassas, South Mountain, Fredericksburg, Antietam, Chancellorsville, and in all the struggles of the Army of the Potomac. He was elected to the Missouri House of Representatives from Vernon County in 1870 and 1872. In 1874 he was elected Senator from his district, and for two years was Chairman of the Judiciary Committee.

At the time Mr. Wight was elected to the Senate, a large number of counties, including his own, were greatly indebted by reason of railroad bonds issued in aid of the construction of different railways. Vernon County had a debt of over one-half million dollars represented by bonds and accumulated and unpaid interest. Judgments and mandamus proceedings were thick and plenty. The municipal authorities and conservative citizens of the indebted counties and towns were frightened at the way interest was accumulating, and were anxious to compromise and adjust. They saw that the opportunities were great to purchase and compromise the indebtedness on very advantageous terms. But they were powerless to act because of the absence of laws making such opportunities easy and practical. It was under these conditions that Mr. Wight introduced and procured the passage of two bills during the session of 1877—one to compromise bonded indebtedness, and the other to provide a sinking fund to purchase such indebtedness. Under the wise and beneficent provisions of these acts nearly all the largely indebted counties of the State adjusted their indebtedness on such advantageous terms as in many instances to save from one-third to two-thirds of their total liability. Vernon County in about two years lessened its debt from over one-half million dollars to about $175,000.

In 1879, fearing that they had given too great powers to the municipal authorities in the way of compromise, the Legislature so amended the law, creating so many restric-

tions and limitations, as to make any act under it almost impracticable; so nearly so, at least, that not a single compromise has been effected that was not made under the acts of 1877, thereby fully vindicating the wisdom of their enactment. Mr. Wight having accomplished what was his main object in accepting the office, did not ask for a re-election, and since then has continually devoted himself to his large and lucrative practice.

Mr. Wight founded the flourishing town of Sheldon, in Vernon County. He is a Democrat, and a good one.

At Nevada, in 1869, he married Mary Douglas. She died in 1882, leaving three children. Douglas Wight is now his law partner. The other two children are Kate and Francis. Mr. Wight was again married in 1886 to Miss Agnes Barr, of Nevada, who died in 1894, leaving one child, a boy, Sheldon A., Jr. The Douglases were Missouri pioneers, coming from an old Virginia family. The Barrs were early settlers of Illinois.

FRANKLIN PIERCE WILEY,

MOBERLY.

FRANKLIN PIERCE WILEY, of Moberly, has long been identified with the bar of the central part of the State, and at this stage of his career, enjoys, perhaps, as large a practice as any attorney of that section. He has held many positions of honor and responsibility, but of recent years has withdrawn from any service of a public nature and has devoted himself wholly to the law, of which he is an enthusiastic student, following it with a liking that can spring only from a perfect adaptability to its requirements.

Mr. Wiley was born on a farm near Leroy, McLean County, Illinois, February 3, 1853, and is the son of James Wiley and Permelia (Waters) Wiley. The former was a native of Ireland, was born and spent his youth in County Tyrone, whence he emigrated in 1833, while still a young man, to America. He located at Leroy, Illinois, and there established the first general merchandise business the town had known. In that day Leroy was far from the heart of civilization, and St. Louis, though a town of between 6,000 and 7,000 people, was still in the midst of a vast area of undeveloped country, with the advantage in its favor that it had in its Great River a means of reaching the distant but more civilized communities. The elder Wiley saw that the section of central Illinois constituting McLean and other counties, was bound to develop into a rich and populous country, a surmise fully borne out in results. Although Chicago was a great many miles nearer Leroy than St. Louis, such were conditions that the observer might have questioned which would be the larger town—Chicago or Leroy; so the elder Wiley went to St. Louis, purchased his goods and hauled them overland to the little town in McLean County. In the same year he came from Ireland to America (1833) he met and married the mother of the subject of this sketch. She was the daughter of Silas Waters, a Kentuckian who came from near Covington and settled in McLean County, Illinois, when his daughter Permelia was a little girl. After the elder Wiley retired from the mercantile business, he moved to a farm in McLean County, where he died in April, 1860, Franklin being at that time a boy of seven years. His widow survived him until 1883, and lies buried at Leroy.

The subject of this biography was educated in the district schools of Illinois, and the Illinois State Normal, at Normal, near the place where he was reared. After attending the

institution last named, he entered Hillsdale College, at Hillsdale, Michigan, where he graduated in 1873. Having prior to this fixed on the law as his profession, he became a student in the law department of the Michigan University, at Ann Arbor, from which he received his degree in 1873. He selected Missouri as the field in which he would seek his professional fortune, and coming to the State immediately from the Michigan University, located at Moberly. Although qualified otherwise, he was too young to be admitted to the bar, and thus he practiced in the courts without a license almost a year before he was admitted at Huntsville, the county seat of Randolph County, in March, 1874. In the same year he entered into partnership with William L. McCart, and thus continued practice at Moberly until the following year, when he became the partner of Judge H. S. Priest, now one of the best-known jurists of St. Louis, which relationship continued until 1877. His next partnership was with William J. Hallis, the firm having a duration of ten years and was finally dissolved by Mr. Hallis' removal to Kansas City, since which Mr. Wiley has practiced alone.

Mr. Wiley was elected City Attorney of Moberly in 1876, and in 1878 was elected to the House of the General Assembly, where his ability as a legislator and leader was tested in a way that made his county proud of him. During his first session he was Chairman of the special committee appointed to bring impeachment proceedings against State Treasurer Elijah Gates, in connection with the shortage of State funds due to the failure of the Mastin Bank of Kansas City. The session of 1879 was called the "Revision Session," and was charged with the work of revising and remodeling the statutes under the provisions of the Constitutional Convention of 1875. Mr. Wiley served on the Judiciary Committee, both at this session and at the session of 1881. Prior to the meeting of the last named Assembly, he was generally mentioned as a candidate for Speaker of the House. In 1888 he was elected Prosecuting Attorney of Randolph County, and was chosen as his own successor in 1890.

Since the expiration of his second term he has been frequently urged by his friends to become a candidate for various offices, and although he is a Democrat and his party is dominant in his State and county, his practice has grown to that extent that following political aspirations would involve a sacrifice of his law business. Therefore, he has declined all promptings of that nature and has devoted his attention exclusively to the law.

An evidence of his standing as a lawyer is discovered in the fact that he is the local attorney of both the Wabash and the Missouri, Kansas & Texas Railways, and as is well known, these corporations are influenced by but one consideration in selecting attorneys to represent their interests—the talent and legal accomplishment of the practitioners from among whom the selection is made. The positions held by Mr. Wiley as representative of these roads is given added weight and importance when it is understood that both lines make Moberly the end of divisions, and that the Wabash has extensive repair shops there. Although the bulk of Mr. Wiley's practice is civil, he is noted as one of the most successful criminal lawyers in his part of the State, and before his extensive corporation practice so largely consumed his time, he appeared as the advocate in many cases of this character. As a man he is noted for his agreeable characteristics, and his staunch reliability. He has a lively sense of his duties as a citizen, and any local measure of public benefit may expect his support. Most thoroughly imbued with the spirit of Americanism, he is both patriotic and progressive.

In fraternal circles, Mr. Wiley is known for the leading and influential standing he has attained with the Knights of Pythias. He is Past Grand Chancellor of the Knights of Pythias of Missouri, having served as Grand Chancellor in 1879.

Mr. Wiley was married November 28, 1882, to Miss Bettie B. Hammett, of Huntsville, Missouri, a member of one of the oldest and most highly respected families of that portion of the State. The couple have one child, a daughter, nine years old, named Nadine.

BURWELL GOODE WILKERSON,

SEDALIA.

A PROMINENT Sedalian, a gifted attorney and one of the ablest members of the bar of Pettis County, is Burwell Goode Wilkerson, who is a native of Ohio, born in Warren County, May 11, 1836. Mr. Wilkerson's ancestors were of those who helped create this great country—hardy pioneers who made possible by their unfaltering courage and fortitude, the liberty and civilization we of this later day enjoy. His father, Charles N., and his mother, Martha A. (Goode) Wilkerson, were born in Warren County, Ohio, in 1810, lived there all their lives and died there full of years and universally loved and respected. The mother died in 1877, at the age of sixty-seven. Her husband survived her but four years, dying in 1881. The four grandparents of Mr. Wilkerson were born and brought up in Virginia, emigrating to Warren County, Ohio, about 1805, a day when that country was little else than a wilderness. But both families were of pioneer stock, hardy and courageous, and the wildness of nature and the ever-lurking red man dismayed not in the least their stout hearts. Both sides of the house trace their origin back to England, and were of those who came over to assist civilization in establishing a foothold on this continent. The Goodes descended from an English gentleman of that name who settled on the James River about 1650. It is not known positively when the Wilkersons reached Virginia, as a full record of the family has not survived the changes and stirring events of the early days of the Republic, but they were undoubtedly among the first who reached the then wild and inhospitable shores of the colony, as it is known that the great great grandfather of the subject of this biography was born there. On both sides of the house all his ancestors, as far into the past as history reaches, were intelligent, thrifty, brave and honest.

Mr. Wilkerson received his first schooling at the district school near his father's farm in Warren County, where he was born and brought up. He prepared for college at Delaware, Ohio, and entered the freshman class of Ohio Wesleyan University in 1856, and next entered the junior class in 1858 in Miami University, Oxford, Ohio. At the college last named he graduated in July, 1860, taking the degree of A. B., and later was honored by the degree of A. M. He studied law in an office at Wilmington, Clinton County, Ohio, and was admitted to practice by the Supreme Court of Ohio at Columbus, in March, 1862. He began practice in Wilmington, where he had prosecuted his studies, but after a few years determined to seek a new field in the Great West, then as ever filled with limitless possibilities to the young man of energy and ability. He reached Sedalia in February, 1867, and at once nailed his shingle to the door post. In that city he has since resided, practiced his profession continuously and has attained a success fully merited by his ability and many years of industry.



B. G. Dickerson

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Although from Ohio, Mr. Wilkerson, notwithstanding also his Virginian antecedents, has never been an office seeker, and beyond acting as County Attorney of Pettis County, and City Attorney of Sedalia, he has never held other official place. His appointment as County Attorney was made January, 1868, the term extending by annual re-appointment for four years. He acted as City Attorney of Sedalia in 1869 and 1870, and two or three years later was appointed for a second term. These offices were then appointive.

Mr. Wilkerson is a Mason of high standing. He joined the Masonic fraternity at Clarksville, Ohio, in 1866. In a short time after coming to Sedalia he took the chapter, council and commandery degrees and has been Master of his lodge, High Priest of his chapter, Thrice Illustrious Grand Master of his council and Commander of his commandery at different times. At college he was a Beta Theta Pi, and ever since graduation day has maintained an interest in that fraternity.

He was married, August 17, 1870, at Painesville, Ohio, to Miss Sarah E. Doolittle, daughter of John T. Doolittle, a respected lawyer of that town. The latter's father was Judge Joel Doolittle, for many years one of the Judges of the Supreme Court of Vermont. Mrs. Wilkerson died in August, 1891, leaving two sons. These boys, now young men, are the hope of their father's life. Frederick D., the eldest, graduated from Michigan University in 1894, while George R. was educated at Missouri University, at Columbia, graduating in the class of '97.

WILLIAM M. WILLIAMS,

BOONVILLE.

JUDGE WILLIAM M. WILLIAMS, Judge of the Supreme Court of Missouri, was born in Boonville, Missouri, February 4, 1850, both of his parents being Virginians. His father, Marcus Williams, was one of the foremost citizens of Cooper County, and took a leading part in building up his neighborhood in the days of change and development before the war. Marcus Williams married Mary Littlepage, who like many of the mothers of that period, combined firmness with kindness in the rearing of children. The sequence is seen in the moral vigor and common sense exhibited in the character of Judge Williams.

The latter was educated at Kemper School, in Boonville, and then, choosing the law as his profession, he studied in the office of Draffen & Muir, two Boonville lawyers of renown. He was admitted to the bar in Boonville in March, 1873, and began at once the practice of law in his native town, and on the 1st of July following, Mr. Muir having died, he entered into partnership with Mr. Draffen, his old tutor, under the firm name of Draffen & Williams. This partnership continued until April, 1896, when Mr. Draffen also died, and after that date Judge Williams practiced alone. He practiced continuously in one community for twenty-four years, and in that time achieved a wonderful degree of eminence. He has arrived at his present prominence, not through fortuitous circumstances, but by genuine merit and natural ability. He is comparatively young at the bar, but is a diligent student as well as a successful practitioner, and his mind enlarges with every day that he lives, for he is thoroughly progressive. While he lays proper stress on the value of modern ideas, he likewise recognizes the importance of the wisdom and experience of the past, and does not hesitate to profit by it, advantageously amalgamating the results of yesterday with the practical knowledge of to-day. Perhaps this broad-

minded facility for rejecting nothing as wholly useless, but accepting everything on trial, could be mentioned as another of the reasons for his uninterrupted success as a lawyer. As a practitioner he was much of his time away from home on professional business, and was a familiar figure in the Supreme Court of the State, as well as in the Federal Courts. Indeed, he was engaged in nearly every important case to which any citizen of Central Missouri was a party, no matter in what court it might be pending.

In the social circle Mr. Williams is a very entertaining gentleman, noted among his neighbors for a blunt honesty of speech and geniality of disposition which are refreshing and captivating. Like many another lawyer of talent, he enlivens his leisure moments by dropping into lighter vein, and is a most agreeable companion. It is a pleasant thing to meet a man who can practice law, sit upon the highest bench, or banish gloom with equal ease and cleverness.

In 1889 Judge Williams was appointed by Governor Francis to the position of President of the Board of Managers of the Reform School for Boys, and was reappointed by Governor Stone. He is still President, and has acquitted himself with signal ability in the discharge of his responsible duties, promoting the welfare of the youthful and gaining credit for himself. He is a Mason, and as a member of that fraternity has achieved eminence, having been Grand Master of the State in 1888, and is now one of the directors of the Masonic Home, in St. Louis. Indeed, he is one of the brightest, best informed and most influential members of the fraternity.

On January 29, 1898, Mr. Williams was appointed a Justice of the Supreme Court of Missouri, to fill the vacancy caused by the resignation of Chief Justice Barclay.* He was a lawyer for whose accomplishments Governor Stephens had long entertained warmest admiration, and his appointment was in the highest degree satisfactory to the people of the State. His brethren of the bar, almost without exception, commended the wisdom of the Governor's choice, and took occasion to state that he was in every way fitted to adorn that high position.

Judge Williams' marriage to Miss Jessie Evans, the daughter of Dr. Edwin C. Evans, a prominent physician of Sedalia, took place December 16, 1875. Their household is a happy one, Mrs. Williams being a woman in whom the domestic and social virtues are most pleasingly commingled. Judge Williams is an official member of the Old School Presbyterian Church, and though deeply engrossed in secular affairs, finds time to look after all the business of his church, and is one of its most faithful communicants.

DAVID McCONAUGHY WILSON,

MILAN.

DAVID McCONAUGHY WILSON, of Milan, was born September 26, 1853, on the spot where a few months less than ten years later the tried veterans of Meade met the flower of the Confederacy under Lee, and where 50,000 men gave up their lives as sacrifice to the principles they believed were right—immortal Gettysburg. He comes of one of the oldest and most reputable families of Pennsylvania, the Wilsons having come

*Judge Barclay resigned, and his connection with the Supreme Court ceased February 1, 1898. James B. Gantt was elected to his position as Chief Justice. Judge Barclay, after stepping down from the bench, returned to St. Louis, entered into partnership with Judge John E. McKeighan and M. F. Watts, and is there in regular practice. The statement of these facts in this part of the work is made necessary because these changes in the membership of the Supreme Court have occurred since the sketches of the Judges of the Court were printed.

from the North of Ireland and settled in the Keystone State, about eight miles from Gettysburg, as early as 1730. Mr. Wilson's great grandfather was a soldier of the Revolution, was born, lived and died on the old Marsh Creek homestead, having reached at the time of his death the advanced age of ninety-five years. His valiant service in the Continental Army won him the rank of Captain. His grandson, David A. Wilson, father of our subject, is a Presbyterian minister, now too old for active service, though he has given of his effort generously in the cause of religion throughout a long life. He is a graduate of Marshall College, at Mercersburg, Pennsylvania (since moved to Lancaster, Pennsylvania, and now known as Franklin and Marshall College), as well as of Princeton Theological Seminary, and for eight years was a missionary in Africa.

The maternal branch of Mr. Wilson's family is no less notable than the male line. His mother was Martha E. McConaughy, of a family likewise of Scotch-Irish extraction. The American founder was Robert McConaughy, who settled in York County, Pennsylvania, in 1735, five years after the Wilsons located at Gettysburg. David McConaughy, the granduncle of Mr. Wilson, was in his day one of the ablest educators and divines of the Presbyterian Church, and for twenty years was President of Washington College, Pennsylvania. He was a pulpit orator of great power, and many of his sermons have been published in book form. The great grandfather of Mr. Wilson, also named David McConaughy, was an able man and endowed with many qualities of leadership. From 1753 to 1764 he was conspicuous in the affairs of his Colony as a member of the Colonial Legislature. He was again elected a member of that body in 1783, just at the close of the Revolution, serving in that capacity until 1786. He was the first Treasurer of York County and was Excise Collector in 1779. These repeated honors conferred by his fellow-citizens prove his integrity and worth as a man and patriot.

Mr. Wilson's parents moved westward while he was yet a child and located in Iron County, Missouri. There the boy received his education in the common school, to pass from that to the State University, at Columbia, where he graduated in the class of 1875. Having moved to Sullivan County, Missouri, and having settled on the law as his profession, he entered the office of Swallow & Cover, at Milan, to fit himself therefor. After a short course of study he revisited the scenes of his birth place, and this resulted in an arrangement with his uncle, David McConaughy, who was a practicing lawyer at Gettysburg, Pennsylvania, whereby under his tutelage he completed his legal studies. He was admitted to the bar at that historic town in 1877, and there entered upon practice, but once having known the superior advantages of the West, he could not resist the impulse to return. It was in 1881 that he again reached Milan and opened an office there for business, which with him has increased yearly in volume since.

"Mac" Wilson, as he is universally known in his section of the State, is a man who undoubtedly could have secured many official honors at the hands of his fellow-citizens had he preferred such distinctions to the fame that comes of ability and success at the bar. At the beginning of his practice he was persuaded to accept office, but since the volume of his practice has increased, he finds satisfaction in the law of an ambition higher than any aspiration of a political character. The first office he held was that of School Commissioner of Sullivan County, to which he was elected in 1883, serving until 1885, when he resigned to become a candidate for Prosecuting Attorney, to which position he was elected three consecutive times, holding the office from 1885 to 1891. Since 1891 he has attended exclusively to his private practice.

Mr. Wilson is a straight "sixteen to one" Democrat, and is one on whom his party can always depend for a measure of assistance to the extent of his fullest effort. He is a man of scholarly attainments and culture, is generous, and into his life he has brought those nobler humanities which are the worthiest objects of existence. He is cultured, affable and smooth, kindly and charitable, and no taint of misanthropy mars a nature whose agreeable and fine characteristics are the delight of all his friends.

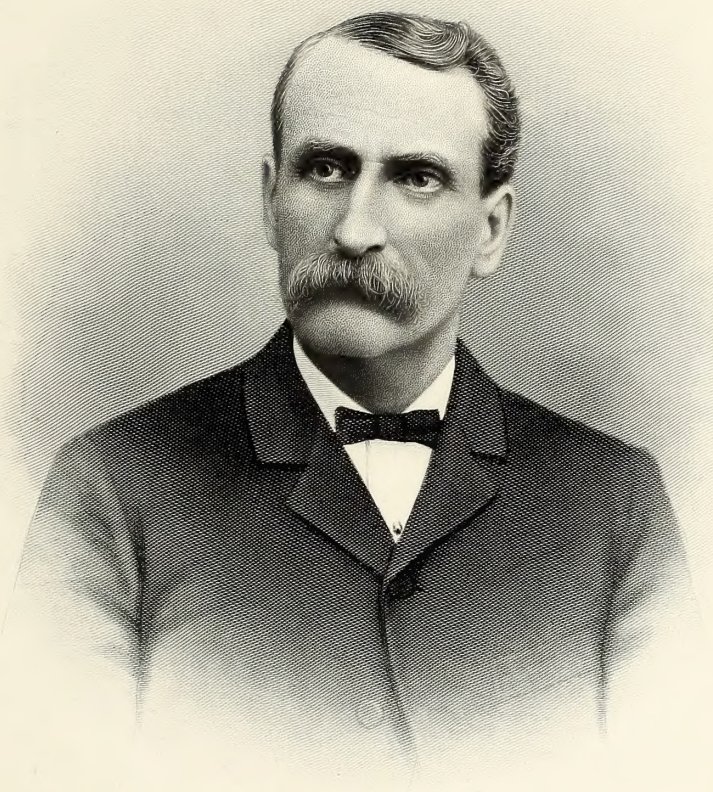
As a lawyer Mr. Wilson is the peer of any in his section of the State. His connection with a number of notable cases has given him opportunity to prove his ability and talent in a conspicuous manner. One of these was the celebrated Taylor murder trial, in which Mr. Wilson appeared as the counsel of the defendants, William P. and George E. Taylor, accused of murdering the Meeks family. He was the chief of a distinguished array of talent, consisting, besides himself, of Ralph E. Lozier, John B. Hale and Virgil Conkling. The trial was one of the most bitterly contested legal battles of the State's history, and the brief filed by Mr. Wilson and his colleagues before the Supreme Court of Missouri, which is to be found in Volume 134, Missouri Reports, is a model of exhaustive argument and logical reasoning. The brief covers 128 pages. Another notable case was that of the State of Missouri, *ex rel.* Quincy, Missouri & Pacific Railway Company versus Anderson W. Harris, George T. Todd and Thomas Montgomery, Judges of the County Court of Sullivan County. Mr. Wilson was the counsel of the court, and in its behalf appeared before the Supreme Court of the United States. Reported in Volume 144, Supreme Court Reports.

At Milan, Missouri, in 1885, Mr. Wilson married Selena, daughter of Robert McClary, of Sullivan County. They have four children, named respectively, Mary Emeline, David McConaughy, Faith and Robert McClary.

ARCHELAUS MARIUS WOODSON,

SAINT JOSEPH.

ON May 28, 1892, there died at St. Joseph a man full of years and honors and of a strength and character to sustain in all respects the reputation of a distinguished family. He was the venerable Benjamin Jourdan Woodson, the father of the subject of this sketch, who at his death was eighty-four years old. He was a remarkable man and leaves behind him a remarkable family, every one of the five sons now living having inherited the family's characteristics, and are strong, virile and able. Deceased was twice married; the first time, in 1832, to Miss Rebecca Redd, who died within a year. In 1837 he was married to Miss Margaret Fulkerson, likewise of a noted Virginian family. The latter is the mother of the children now living, the five sons and one daughter being the only ones that survive of eleven children. These survivors all live in St. Joseph and are successful and influential in every walk of life. They are: Stephen C. Woodson, President of the Saxton National Bank; Judge A. M. Woodson, Judge of the Circuit Court of Buchanan County,the subject of this biography; Dr. C. R. Woodson, Superintendent of State Insane Asylum, No. 2; B. J. Woodson, Jr., a leading lawyer of St. Joseph and ex-Prosecuting Attorney of the county; W. E. Woodson and Calla E. Woodson, who became the wife of Dr. John B. Reynolds, County Physician of Buchanan County. The Hon. Silas B. Woodson, who was at one time Governor of Missouri, was the half-brother of Judge Archelaus M. Woodson's father.



A. J. Gray.

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As is well known, the Woodson family is a noted one, and various members thereof have played a conspicuous part in the history of their time. The earliest history of the family tells of John Woodson, of Dorsetshire, England, who after marriage came to America and settled in Virginia in 1624. From him came descendants who intermarried with almost every leading family of Virginia and Kentucky, thus placing the contemporary representatives of the family in line of relationship with the Lewises, the Tuckers, the Turpins, the Ferrises, the Nethertons of Virginia, the Crittendens of Kentucky, and many other families of like distinction.

Archelaus Marius Woodson was born January 30, 1854, in Knox County, Kentucky, where his father was born at the beginning of the century. When our subject was but nine months old (November, 1854), his father moved to Missouri, settling on a farm near Lexington, in Lafayette County. The family only remained there a year, however, removing in the fall of 1855 to Buchanan County and settling near Sparta. On the Buchanan County farm the subject of this sketch spent his youth and there received the rudiments of his education, attending the district school in winter and assisting with the farm work in summer. In March, 1869, his father removed to Platte County, settling near Camden Point, where he lived until 1886, when he moved to St. Joseph. The son, however, left the farm in 1873. He was ambitious and had determined to adopt the law as a profession. To that end he bade a temporary farewell to the home folks and entered Plattsburg College at Plattsburg, Clinton County, Missouri. In 1875 he completed the prescribed course. In 1876 he entered the law department of Washington University, St. Louis, graduating in 1877.

In April, 1876, he was admitted to the bar at Platte City, and after his graduation from the St. Louis Law School, began the practice of law in the metropolis; but he yielded to the longing for a view of home scenes and familiar surroundings, and although he had built up a satisfactory practice in St. Louis, early in 1883 he removed to Platte City, where he practiced his profession until November, 1884, at which time he located in St. Joseph. There he was very successful until December 18, 1889, on which date Gov. David R. Francis appointed him Circuit Judge of Buchanan County, which suspended entirely his legal practice for the time being. The appointment was for a term of two years and on its expiration, Judge Woodson, in 1892, was elected as his own successor for a term of six years. As a Judge on the bench he has made a reputation for fairness and has displayed profound legal lore. His decisions are based on the soundest legal reasons and few of them have been reversed by higher courts. He is of a studious turn of mind, a hard worker, and has, indeed, impaired his health by too close application to the law.

On April 13, 1886, Judge Woodson was married at Platte City, Missouri, to Miss Elizabeth Oliver. Three children have been born to them, namely: Lorene M., Archelaus M., Jr., and Helen E.

ANDERSON J. WRAY,

LAMAR.

ONE of the representative lawyers of Southwest Missouri is the gentleman of this sketch. He has lived at Lamar since 1869, and the manner in which he has grown in the respect and esteem of his neighbors is the highest testimony to his standing as a

man and citizen. His success as a lawyer is sure evidence that he is deserving of the same, for in the law perhaps more than any profession, operates that rigid law of the survival of the fittest. The physician, with wise look, lacking in the industry and mental strength to make himself expert in his profession, may still deceive many into rating him with men of medical lore who know their business; the trickster and demagogue in politics, by smooth and specious pretense, may lead the unthinking public to believe his patriotism real and his motives unselfish; the pulpit before now has been seized and by its aid some meretricious performer has been enabled to lift himself into notice and notoriety; and even the journalist, the simplicity of whose duties would seem to make deceit impossible, sometimes hires other men to furnish the brains for which he serenely takes the credit. But with the law it is otherwise. The inept in that profession is merely a pettifogger. Such is the nature of its practice that it tests a man's fitness with exactitude, and by such a standard of measurements, the people of the Southwestern part of the State acknowledge Mr. Wray as one of their ablest, most skillful lawyers. As a practitioner he has been very successful, being endowed with the investigating and discriminating faculty of mind which fits him in an especial degree for his calling. From the beginning, induced to look upon the law as a great science, he has applied himself with diligence to understanding it, realizing, to paraphrase a certain axiom, that "life is short, the law long," and hence he is respected as one who is entitled to speak of or on that subject with authority.

Anderson J. Wray was born in Shelby County, Indiana, February 4, 1842. His father, Hardy Wray, is a physician, and is still practicing in Shelby County, Indiana. His father, the paternal grandfather of Anderson J., was likewise a physician. The Wrays are of Scotch descent, and have been prominent citizens of Indiana since the memory of man "runneth not to the contrary." The exact date of their settlement in that State is not known, so far back is it, but it was certainly at a day when Indiana was little more than virgin forest and prairie. Dr. Hardy Wray married Belinda Fox, who became the mother of our subject. The Foxes are numerous and influential in North Carolina, but the branch to which Mrs. Wray belonged, settled in Indiana long before the war.

The subject of this sketch spent his youth in the State where he was born. He began his education in the common schools of Shelby County, finishing at Hartsville University of Indiana. It was about this period in his career, that the Civil War broke forth. He had followed the events that led up to that conflict closely, and with all the fire and enthusiasm of youth was a partisan of the North. He had just passed his nineteenth birthday when Sumter was bombarded on that memorable morning of April 12, 1861. This outbreak fired the blood of the young man with patriotic fervor, and he set about preparations to go to the defense of his country. By August, four months after the first attack, he had enlisted in the Seventh Indiana Regiment of Volunteers. He served throughout the conflict, giving his country brave and faithful service and passing through all the hardships and dangers incidental to the fortunes of war. In 1863 he was promoted, being commissioned a Lieutenant. His first service was in Banks' Corps, through all the hotly fought contests of the Virginian battlefields. He was afterward transferred to the Army of the Cumberland.

During the latter part of the conflict he formed the decision to adopt the law as his profession whenever "white-winged Peace" again hovered over the land. Some time after his discharge, therefore, and his return to his Indiana home, he went to Columbus, Indiana, andbe gan his readings in the office of Hord & Richardson, well known lawyers



R. L. Yeager

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of that town. Before he had entirely finished his studies, he in 1869 came West, and locating at Lamar, there under the tutelage of O. E. Brown and R. B. Robinson completed his studies. He was admitted to practice at Lamar in 1872 and has been in practice there since. In 1878 he formed a partnership with R. J. Tucker which existed until 1881. After its dissolution, Mr. Wray associated himself with Berry G. Thurman, a partnership which is still maintained.

Mr. Wray is a great friend of education and one of the active workers in that cause, and is especially an advocate of the system of Normal School instruction. For twenty-one years he was School Superintendent of Barton County, and for many years President of the Lamar Board of Education. For three years he has been one of the Board of Regents of the Second Normal School District. In politics, Mr. Wray keeps in close touch with his party, but as he is a member of the minority party in Missouri, he has never taken an active personal interest in political campaigns. He is a Mason and one who keeps in close touch with the fraternity.

ROBERT L. YEAGER,

KANSAS CITY.

ROBERT L. YEAGER is an attorney who has been long resident of Kansas City, in fact the whole term of his life as a professional man is included within the time he has lived in that city. He was born in Kentucky, in Oldham County, August 26, 1843, and under the blue grass sod of that State both his parents are buried. The father, Elijah Yeager, was born in Virginia and married Elizabeth Lewis Redd, who was a native Kentuckian. Their son, with whom this sketch deals, spent his life up to his ninth year on the paternal farm, when his mother and father both dying within ten days of each other, he came to Missouri to make his home, working upon a farm and attending the country school, until he was fifteen years of age, he then entered St. Paul Episcopal College, at Palmyra, Missouri, graduating there in the spring of 1861.

That he was of Southern birth and breeding profoundly influenced him in taking sides in the great contest that broke like a deluge over the States about the time he left school. He espoused the cause of his own people, and though but a stripling, enlisted with the conviction that he could bear the privations and hardships of war with as much fortitude as a tried and toughened veteran. It was only a few months after his graduation that he was a member of Kneisley's Battery, where he served as an artilleryman a year and a half, or until he was transferred to Prindall's Battalion of sharpshooters. This battalion belonged to Parsons' division of Price's corps, and with it the young soldier served until the close of the war. He was an intrepid soldier as well as a most fortunate one, for while he was in the heat of scores of skirmishes and most of the notable engagements fought by Price's army, he passed through the conflict without a scratch.

The youthful veteran accepted the result of the Civil War like a true American — with his face set toward the future and with that sanguine optimism which is one of the guiding principles of the Anglo-Saxon people. He, with thousands of his comrades, took up life anew, and inspired with a love of change and longing for the new and strange, sought Texas as offering great possibilities in that respect. There he began the study of law, occupying the position of a student for one year in the office of ex-Governor Throckmorton,

at McKinney, Texas. Leaving Texas at the end of the year he journeyed to his native State and at once entered the Kentucky Law School at Louisville. Graduating in 1867, he returned to Missouri and opened an office at Kansas City. He has been in continuous practice there since, and although he has not passed middle age, is entitled to be rated one of the pioneer lawyers of that metropolis.

Mr. Yeager has proved himself singularly well fitted for the law as a profession and has been very successful. His well balanced judgment, practical good sense, clear mentality, and power to concentrate his mind on the bearings of a case have been the contributory elements of his success. While devoted to his profession, such is his energy that the surplus has found expression in many public enterprises that have been of benefit to his adopted city. He has never sought office, but rather against his inclination, he was elected in 1872 Prosecuting Attorney of Jackson County. He was his own successor in 1874, and was tendered the office for a third term, but declined. Nevertheless, in 1890 he was appointed City Counselor, and after serving one year, resigned. He has engaged to some extent in business enterprises, and is now a director of the First National Bank and President of the Safety Savings and Loan Association. Politically, he is a Democrat, and has yielded his party excellent service as Chairman of the Fifth District Congressional Committee. He stands high in Masonic circles and is a Knight of Honor.

But it is because of his great work in behalf of the common schools that Mr. Yeager is best known outside his practice. In April, 1879, he was elected a director of the public schools, and on the resignation of Hon. J. V. C. Karnes, in March, 1882, was elected President of the Board, a position he yet holds. The schools and school government of Kansas City are famed far and wide. None but the best and most honorable citizen is elected to the Board, and that the system has attained such perfection is due largely to the devoted efforts of the Board's President. Superintendent J. M. Greenwood, an able and widely known educator who has been intimately connected with Mr. Yeager and his work, says of him:

"Of a kind and sympathetic nature, a heart open always to distress and suffering and, yet having a judgment broad, comprehensive and discriminating, a clear insight into human nature, and a good interpreter of public sentiment, coupled with a keen, prudent, business sagacity, no one was ever better fitted to discharge the duties of such a position than he is. His qualities of mind and heart are of that sterling character which shirks no responsibility and never hesitates in the performance of a duty. * * * * The ambition of his life has been to make the public schools the crowning glory of Kansas City. To this end he has worked night and day. His devotion has been crowned with the fullest measure of success. As the chief adviser and director, he has guided and watched both interests with a zeal and an unselfish devotion that have won for him the approbation of all classes of citizens. * * * * No school question has ever been presented to him for consideration without his giving it careful attention. His habit is to look at all sides of a matter before deciding upon its merits or demerits. No one was ever freer from prejudice than he, and he has advocated at all times the broadest toleration. * * * * No other citizen has bequeathed a purer, cleaner, brighter record of unsullied citizenship and patriotic devotion to duty in all vocations of life than Hon. Robert L. Yeager."

Mr. Yeager was married to Miss Leonora Forbis, of Independence, Missouri, in 1870. They have five bright children, and both parents and children are members of the Christian Church.

THE END.

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